




3 1761 11895355 3



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761118953553>



Hansard

Official Report of Debates

Legislative Assembly of Ontario

Second Session, 34th Parliament
Tuesday 5 December 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers



No. 79

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.



Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 5 December 1989

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

DEVELOPMENTALLY DISABLED

Mr Farnan: In Cambridge, there is a serious lack of help available to parents of developmentally delayed children. Cambridge has one group home for these children. Its five beds are filled and there are 12 names on the waiting list. In the meantime, those families use the city's only relief bed to ease their burden by providing temporary care for their children. That one bed is no longer enough. Cambridge must have another group home.

As 24-hour-a-day, seven-day-a-week care givers, these parents are exhausted. Their families are suffering and their marriages are being adversely affected, all because there is no temporary relief from the constant care they must give their special children.

No parent wants to institutionalize his or her child, especially when a group home setting would be far more appropriate and beneficial to both child and family. In Cambridge, the association for the mentally retarded has developed a proposal for a children's group home, and the Minister of Community and Social Services (Mr Beer) gave the association's executive director assurances that he fully supported the proposal. However, despite receiving the proposal four months ago, the ministry has not yet approved the necessary funds. Meanwhile, children wait, their families wait and the situation grows more critical with each passing day.

How can the government of Ontario turn its back on these families and their special needs?

NATIONAL SAFE DRIVING WEEK

Mr Villeneuve: Now that the snow and cold weather have reached Toronto, it provides us with an opportunity to reflect on National Safe Driving Week.

The Reduce Impaired Driving Everywhere programs now under way are a good reminder that drinking and driving is unacceptable.

Christmas parties are already beginning, so when travel is involved, please plan to have a designated driver or take a cab.

We should also make sure that our cars are ready to withstand winter driving conditions, from tires to wiper fluid. Now that the driving is more dangerous, with the anticipation of 53-foot highway trailers, Ontario drivers will have to be more careful than ever.

In Ontario, snowy and icy roads mean salt trucks. Road de-icers are a necessity, but salt corrodes and pollutes. This winter season, let's hope the Ontario government finally gets serious about looking for a road salt replacement.

Calcium magnesium acetate, or CMA, is one possibility which is only one tenth as corrosive as conventional road salt. There are no large-scale facilities for CMA production in Ontario. This also presents a prospect for new jobs, which the Minister of Industry, Trade and Technology (Mr Kwinter) should look into, particularly for the economically deprived areas such as eastern Ontario.

FOOD BANKS

Mr Faubert: As we begin to celebrate this holiday season, all of our thoughts turn to those in our society who are less fortunate, those among us who need the help of government and their neighbours in the community in order to provide the necessities of life.

Substantial hope was given to those in this situation in the announcement last 18 May of a new agenda for social assistance. Support for social services was increased by \$415 million on a full-year basis. In this fiscal year, social assistance benefits will total \$2.3 billion, a 92 per cent increase since 1984-85. Higher shelter allowances and an increase in the general benefit rate will come into effect this January, and an increase in children's benefits and a new support to employment programs came into effect last October. These reforms place Ontario in the forefront of social service reform across North America.

However, many families still will be relying on food banks during this holiday season. The profile of those who use this service has changed from primarily those on social assistance to also include refugees and the working poor. For this reason, I will once again this Christmas be organizing a food drive in my riding, utilizing my

constituency office as a food drop point. I have called on Scarborough residents to donate nonperishable food items so that a few more people will be able to enjoy a better Christmas. All contributions dropped off at my constituency office will be donated to the St Ninian's food bank for distribution to Scarborough residents in need of this service.

We must ensure that all our citizens can enjoy the blessings of family and friends over the holiday season. As good neighbours, we all have a role to play.

AUTOMOBILE INSURANCE

Mr Laughren: In July, again in August, again in September, again in October, again in November and now in December, I reminded the minister responsible for the automobile insurance mess in this province that there was a problem about which he was doing absolutely nothing. My colleague the member for Welland-Thorold (Mr Kormos) reminded him, as well; namely, the possibility or the reality of an insurance conglomerate transferring a policy from one of its subsidiaries to another one of its subsidiaries, thus evading the ceiling on rate increases, more recently, of 7.6 per cent.

Not only has the Chairman of the Management Board of Cabinet (Mr Elston) done absolutely nothing about this, he has not even had the decency to reply to my letters. The last time I raised it in this House, way back in early November, off the record he said he could not find the correspondence. I sent him the correspondence to remind him of his responsibilities, and at this point we are now in the month of December—still no reply from the minister. I assume that that kind of practice is still going on, and the minister sits there nodding sagely, doing absolutely nothing about it.

Mr Speaker, I know you did not like it when I said last time that he was an accomplice to fraud when he allowed this to go on, so I will not repeat that charge again.

The Speaker: I would really ask that all members be careful with their language.

DEVELOPMENTALLY DISABLED

Mrs Cunningham: I am sure that members of this Legislature will be surprised to learn that this government is still using outdated terminology in its legislation which refers to developmentally disabled children. As a result, the Progressive Conservative Party has decided to correct the situation by amending the Education Act to comply with Word Choices: A Lexicon of

Preferred Terms for Disability Issues, published by the Ontario Office for Disabled Persons.

Today I will be tabling a bill that removes the pejorative term "trainable retarded" from the Education Act and replaces it with the preferred term "trainable developmentally disabled." The term "trainable retarded" has not been used in education circles or in this province for some 10 or more years, yet it still remains within the Education Act.

Children in our schools are taught tolerance and understanding in our education system and in our communities. I hope all members will help ensure a speedy passage of this progressive piece of legislation, a very necessary piece of legislation, to help show we understand this important lesson.

1340

CHRISTMAS FUND BROADCAST

Mr Lipsett: I rise today to recognize the efforts of the organizers, performers and contributors to the CFOS-CFPS-Sun Times Christmas Fund Broadcast. This past Sunday, 3 December, marked the occasion of the 50th annual broadcast in support of the Save the Children-Canada program.

This pledge-by-telephone broadcast requesting local area talent to perform before a live audience and on the air waves started the first year that CFOS radio began broadcasting in Owen Sound. Co-sponsored over the years by the local radio station and the daily newspaper, the broadcast has generated an estimated \$517,000 over the past 50 years. This year's broadcast received \$20,570 in pledges. In addition to the broadcast, donations are received at the Sun Times office until the end of January. Each year it is an opportunity for the residents of Grey and Bruce counties to extend the spirit of generosity to those less fortunate children around the world.

This 50th annual broadcast is a milestone for which the sponsors, volunteers and performers over the years deserve our most sincere appreciation. I am confident that we will carry on this Christmas season tradition for another 50 years or more.

AUTOMOBILE INSURANCE

Mr Hampton: In the continuing auto insurance debate, one voice above all others should be listened to with care. One spokesperson is, in a real sense, detached from the issues and can give an objective opinion on what is happening. I refer to the consumer advocate Ralph Nader, who is neither a lawyer in the sense that he stands to

make money out of existing insurance systems, nor is he tied to insurance companies—nor is he tied to the government. Mr Nader has built a reputation as quite accurately a consumer advocate, first taking on automobile corporations like General Motors and Ford and then following up on other consumer questions.

What has Mr Nader had to say about the government's insurance scheme? He quite bluntly has said that the Ontario motorist protection plan is a surrender to the power of the insurance industry, and he has urged its critics to unmask who is pulling the strings.

It is no secret who is pulling the strings—it is the insurance companies. Jack Carr, a University of Toronto economist, says that the government's insurance scheme will give the insurance companies at least an additional \$630 million a year from the pockets of insurance consumers. I suggest that we all listen very carefully to what Mr Nader has to say on this issue.

PENETANGUISHENE MENTAL HEALTH CENTRE

Mr McLean: My statement is for the Minister of Health (Mrs Caplan) and it concerns the registered nurses at the Oak Ridge division of the Penetanguishene Mental Health Centre.

The minister is no doubt aware that registered nurses who had previously worked out of the dispensary attending to medical and psychiatric patients' needs became assigned as part of the staff count, and their job specifications were expanded to include a large portion of security duties. However, there were no negotiations to include an increment to their salary to offset an added security role.

The minister recently allocated \$20 million to registered nurses and registered nurses' assistants in Ontario to combat increased difficulties in hiring, retention, poor educational opportunities and assistance in other areas. Registered nurses at Oak Ridge have presented a special case to the bargaining team for the 1990 negotiations, and on 20 December the negotiating parties will decide if the special case is to proceed to negotiations.

The minister has greatly increased the role of the registered nurses at Oak Ridge but has not been paying them accordingly. Therefore, I urge her to ensure that the registered nurses' special case is included in the 1990 bargaining process. I think that would be the fair and equitable thing for her to do for the registered nurses at Oak Ridge.

COMMUNITY LAND TRUSTS

Mr Tatham: Affordable housing in perpetuity—can it be done? One promising solution for providing affordable housing is the community land trust model. The trust buys the land and buildings, holding the land in trust, and sells the buildings to families. The home buyer enters into a long-term lease with the land trust which includes a limited appreciation provision on the resale of the building. "Limited appreciation" means a restriction on the amount of profit that can be made when the property is sold.

Nearly all community land trusts have a general goal of permanently removing land from the speculative market. The home buyer has to pay a land leasing fee, but it is a very modest fee compared to the cost of a housing lot. If the home buyer wishes to sell the home, the land trust has the first right to purchase, so it can be resold at an affordable price.

Community land trusts—CLTs—have been at work in urban rural areas of the United States since 1968 and now exist in more than 20 states. They are demonstrating success and making affordable housing opportunities more widely available. In the process, they are stabilizing neighbourhoods and communities and making extremely effective use of public and private subsidies. Most importantly, community land trusts create housing that is affordable into the future.

Hon Mr Ward: On a point of order, Mr Speaker: I understand that statements have been circulated by the Treasurer (Mr R. F. Nixon). Unfortunately, he is somewhat detained and I would suggest—

An hon member: Here he is.

Hon Mr Ward: —that he is here.

The Speaker: Now that the elevator has worked well, I will call for ministerial statements.

Mr Laughren: On a point of order, Mr Speaker: I think the Treasurer—and he is usually very good about this—intended to have his statement circulated but it has not been done.

Hon Mr Ward: Here they come.

STATEMENT BY THE MINISTRY

UNCLAIMED PROPERTY

Hon R. F. Nixon: In the 1989 budget I announced the introduction of an unclaimed property program for Ontario. Today I will be introducing a bill to enact the program. This bill establishes a mechanism for the province to find

the owners of unclaimed assets other than land and physical assets. Individuals, companies and other holders of unclaimed property will be required to notify the public trustee, who will advertise for owners in Ontario daily newspapers.

The public trustee will refer owners to the holders so that they can claim their property. Property that remains unclaimed will be turned over to the public trustee. Proceeds from the property will be placed in the consolidated revenue fund and used to benefit the people of this province. Owners will have a perpetual right to claim the value of their property from the trustee.

RESPONSE

UNCLAIMED PROPERTY

Mr Laughren: I would like to use the argument that I do not understand this statement very well because I have just had it, but I am not sure that, no matter how long I look at it, I will understand it.

ORAL QUESTIONS

AUTOMOBILE INSURANCE

Mr B. Rae: I have a question to the Minister of Financial Institutions. I have a confidential memo from the Workers' Compensation Board that says that as a result of the changes to auto insurance which the minister is planning to bring in, as those amendments are currently designed, it will have the following effects. According to this memo, the proposed amendments of the government will diminish the rights injured workers currently enjoy under the act. That is the first thing it will do.

The second thing it will do is transfer a portion of the overall cost burden of motor vehicle accidents from the private insurance sector to the workers' compensation system.

As they are currently designed, these amendments will, according to the Workers' Compensation Board, cost the Workers' Compensation Board some \$25 million at the same time as they diminish the rights of injured workers.

1350

The Speaker: Question.

Mr B. Rae: Can the minister justify that kind of legislation?

Hon Mr Elston: The honourable gentleman has a memo which I have not seen. Obviously it is confidential to him and it remains confidential to me. We have had discussions with the workers' compensation people about the effect of

this and we have had some very good discussions. Originally there were some projections that it may have been much higher than that. In fact, we have not yet, I think, discovered really what the numbers are going to be.

We do know that with respect to providing service for individuals under workers' compensation, that pure no-fault system, the workers' compensation system, has been augmented in the past by a second choice for individuals which has had to be paid for by the employers and indirectly of course by employees, so that they would have some kind of double coverage. It is my view that what we have in front of us with respect to an amendment of the collateral benefit rule means that it will be a fair compensation system and that it will replace lost wages. From my point of view, a fairer system is a better system and a more affordable system overall.

Mr B. Rae: I am astonished that the minister would not know something as basic as this about a piece of legislation, but what this memorandum states very clearly is that the act will take away the rights of injured workers in some cases, some very specific cases, that it will have the effect of transferring costs from the private insurance system over to the workers' compensation system and that it will increase the costs to the Workers' Compensation Board by as much as \$25 million a year, which increases the unfunded liability of the board by some \$500 million. The unfunded liability of the board is already \$7.5 billion. This increases the unfunded liability by another \$500 million.

Again, can the minister explain why the government would bring in an act which adds to the costs of the workers' compensation system, which amounts to a direct—

The Speaker: Thank you.

Mr B. Rae: —subsidy of the private insurance system and which takes rights away from injured people?

Hon Mr Elston: No, I do not agree with the honourable gentleman's review of the circumstances. In my view, we have moved to do something which has been requested for some time; that is, clarify the collateral benefit rule and have people being reimbursed only once for lost wages and other things.

I can tell the honourable gentleman that under the current pure no-fault system which is offered by workers' compensation there is a second option available to an injured worker, and that is to proceed under the insurance policy, also paid for by the employer, to insure against automobile accidents. In this circumstance, we have only

said that when the collateral benefits are to be put into effect you can collect only once for those losses and not collect twice.

We think that overall our system is much fairer. There is no question in my mind that there are going to be some costs incurred in the workers' compensation system because of the working of that rule, but in terms of the exact exposure we are not certain that the number which the member has used is the accurate one. We are not sure in fact that the previous numbers which were brought to our attention by workers' compensation—

The Speaker: Thank you.

Hon Mr Elston: —were accurate. We have worked with them, we are talking with them and looking at how we can define—

The Speaker: Order. It seems like a fairly ample response.

Mr B. Rae: The Workers' Compensation Board, in this confidential memorandum, states very clearly that the law proposed by the Liberals will do two things. It will take rights away from injured workers; it will diminish the rights that injured workers currently enjoy under section 8 of the act. That is the first thing that it will do, according to the board.

The second thing is that it will transfer a portion of the overall cost burden of motor vehicle accidents from the private insurance sector to the workers' compensation system. This is going to cost the workers' compensation system some \$25 million, which then means, according to the figures that they have, that the government is saving the private insurance companies that much money.

That is the transfer that is being effected. They are taking it out of the pockets of injured people and they are also giving it as a form of subsidy to the private insurance companies. The government is subsidizing the insurance companies through OHIP. We know they are subsidizing the insurance companies through OHIP—

The Speaker: The question.

Mr B. Rae: —and now they are doing it through the workers' compensation system. Why is the minister giving the private sector insurance companies such a good deal and taking so much money out of the pockets of people who have been injured? Why is he doing that?

Hon Mr Elston: There is clearly a misunderstanding on the part of the honourable member for York South. He knows that our system has been designed to make sure that the premiums paid into the automobile insurance system will go

more in proportion to the injured than ever before. That is our strategy.

His New Democratic Party colleague the member for Welland-Thorold (Mr Kormos) really wants us to retain the current tort-based system, which flies in the face of some of the things that the NDP policy people used to talk about in terms of fairness. He knows that our system is projected to have fair compensation to people who are victims of accidents. He is right when he says there may be some transfer of cost over to workers' compensation, but let's look at who pays for that system.

The employer, whether he or she pays for workers' compensation coverage or for automobile coverage, will be paying premiums to affect a just and quick settlement for the injured employees as a result of an automobile accident. This is a fair way of dealing with it, it is a balanced approach and we are not subsidizing the private insurance companies.

EMPLOYMENT ADJUSTMENT

Mr B. Rae: I have a question to the Minister of Industry, Trade and Technology. Since I know the Premier (Mr Peterson) will not answer the question when I put it to him, there is no point in even letting him deflect it. I might as well go directly to the minister.

I asked the minister yesterday some questions about layoffs. I would like to ask the minister some more questions about layoffs. Over the last year the Algoma Steel Corp in Sault Ste Marie has lost some 1,500 jobs, 300 of which were announced last Thursday. The Sault has about 80,000 people. A loss of 1,500 jobs is, again using the figures that I used yesterday, the equivalent of over 40,000 lost jobs in Metropolitan Toronto. A haemorrhage of this size in the Sault in terms of jobs is massive when you consider the size of the whole community.

The Speaker: Your question.

Mr B. Rae: My question to the minister is this: He admitted outside yesterday that there were going to be even more layoffs. I want to ask him what programs, apart from the program for older worker adjustment, which we have already discussed in this House, does the minister have in place which are going to help the workers who are affected by these layoffs which we now see are taking place across the province?

Hon Mr Kwinter: I would like to defer that question to the Minister of Labour.

The Speaker: It has been referred to the Minister of Labour.

Hon Mr Phillips: I think all members in the House would share the concern we have with the layoffs that we have seen occurring in the last few weeks. I think it is important as we look ahead at the situation that we remind ourselves first of the things that we have done to help those workers who have been laid off.

This province has—the only province, by the way—a severance program, a program that pays workers who are laid off. It is important that those workers have some redress to ensure that they have some—

Interjections.

The Speaker: Order.

Hon Mr Phillips: —economic substance to get by the layoff period. Also, I think it is important to remember that we have something called POWA, the program for older worker adjustment, which is a program that we have negotiated with the federal government to ensure that we have some assistance for older workers. For workers who are 45 years of age and over we have something called the Transitions program, which was designed to assist those workers with training.

Just to refresh our memories, there is the severance program for workers who are laid off, POWA for older workers and the Transitions program. I might add, in a moment—

The Speaker: Thank you. Perhaps you would wait for the supplementary. It might fit in.

Mr B. Rae: We have a list from the ministry itself which is seven pages long and goes through all the companies in which there have been layoffs. Closures are at a higher level this year than last; 106 companies have either had reduced operations, partial closures or complete closures since 1 January 1989 to the end of October. That does not include the figures for November.

Again, I would like to ask the minister, where are the changes in pensions, where are the changes in employment standards, where are the changes in training law, all of which we have been waiting for now for over two years, which are going to help the workers who are affected by this kind of change?

It is coming, we can see it coming. Where are the laws, the acts and the programs in place that are going to help the workers who are going to be affected by these changes that are coming?

1400

Hon Mr Phillips: Again, I recognize the importance of this matter and I think all of us, on all sides of the House, must begin to continue to address this situation. I remind us again, though,

in terms of any of the provinces we are the only province that has severance pay. For workers who have more than five years experience it is one week's pay for each year's experience up to 26 weeks, the most progressive severance program. There is also POWA and there is also Transitions.

Another very important subject, which I began to raise earlier, is that the Premier anticipated the need for looking at this whole issue of training, of labour force adjustment, of trying to ensure that we have a workforce that is consistent with the future. A year ago, he asked the Premier's Council to tackle this. One thing that I think will be of major benefit to all of us is something that the Premier's Council is at this very moment looking at, and that is a training program that will look at the future needs of the workforce in this province, a training board that will have the participation of management and labour as we look ahead at dealing specifically with the changing marketplace in Ontario and how we best meet it.

Mr B. Rae: The minister has the nerve to talk about the older worker program. That is a federal program. It involves a total of \$9 million in provincial money, \$9 million to deal with the size of the industrial change which Ontario is undergoing in the steel industry, in the food processing industry, in the electronics industry. All those things that his leader talked about in the last federal election in terms of the effects of free trade are coming down the pipe in terms of free trade and the minister is doing nothing to deal with that issue as it affects workers.

There are no programs in place in terms of pensions, in terms of training, in terms of new provincial money under his jurisdiction to deal with the seriousness of this problem. He has got workers who are going to be heading into Christmas without a paycheque and his government has done nothing over the last two years to deal with it. The years since 1987 have been wasted years—

The Speaker: Do you have a question?

Mr B. Rae: —in terms of preparing for the adjustments which we are going through. When are we going to get these programs and why do we not have these programs before Christmas?

Hon Mr Phillips: I am sure the member would not want to mislead anyone who is in a position where he is being laid off, but there are severance programs available to those workers. Any worker who has been employed for five years or more receives one week of severance for each year of employment. No other province has that.

There is much more we can do and much more we must do, but I think it is important to remember these programs are in place, they do not exist in any other province—26 weeks of severance pay. These are not insubstantial amounts. Yes, there is more we can do. That is available. There is also the Transitions program for the workers 45 years of age and over and the POWA program for workers 55 years of age and over. Yes, there is more we can do. The Ontario training board will look at those matters.

As we speak, we are urging the federal government to move on its job strategies, which is an important element of this. Let's not forget it is the federal government which has the prime responsibility in this area. But we are not standing still and we will continue to work with workers who are laid off in these unfortunate circumstances.

The Speaker: New question. The member for Sarnia.

Mr Brandt: My question—

Some hon members: Haircut, haircut.

The Speaker: Order.

Mr Brandt: You get a haircut and these people just cannot control themselves. In my case, it was either that or buy a violin. I decided to get the haircut.

TAXATION

Mr Brandt: My question is for the Premier and I want to address the Premier about a problem which I see emerging in the province and which I think is a very serious one.

I am sure the Premier would agree with me that the cost of doing business bears a direct relationship to the degree of economic activity in a jurisdiction. His government has recently introduced two very substantial tax increases, the commercial concentration levy and also the health levy. Those two taxes in particular are going to increase the cost of doing business in Ontario very substantially. Parking rates, as an example, are suggested to go to a rate of some \$25 a day in downtown Toronto, which is fully a 142 per cent increase over the cost of parking in Toronto now.

The Speaker: The question?

Mr Brandt: Why, at a time when there is a predictable slowdown in the economy, which is imminent according to all of the political and economic pundits on this question, would the government be increasing taxes so substantially?

Hon Mr Peterson: I think the Treasurer can help out my honourable friend with his new haircut.

Hon R. F. Nixon: The honourable member refers to the employer health tax which replaces OHIP premiums. We are very proud of the fact that we are living up to the promise made by this party before we were a government and now we are in government. It really means that OHIP premiums will be a thing of the past. We will move away from medicare as an insurance and go into an era where it is a universal program, which is the way it should have been right from the start. The honourable member would know that the employer health tax is designed to replace those premiums and pay for about 16 per cent of the cost of medicare. He asks why we have applied that tax. That is the reason.

The second one is the commercial concentration tax as it is applied to parking spaces. I think the member is aware that the announcement of that tax was associated with the announcement of \$2 billion extra to be spent on transportation infrastructure, most of it, at least \$1.2 billion, in the greater Toronto area. He is aware, of course, that the consolidated revenue fund of the province supports and subsidizes the Toronto Transit Commission to the tune of \$200 million a year. We hope to improve the service as well as improving GO Transit and building roads and bridges, which costs a lot of money. The purpose of that commercial concentration tax is to provide the funds on the basis of users to fund the program.

Hon Mr Scott: What is wrong with that?

Mr Brandt: I will tell the Attorney General what is wrong with that. The Treasurer has substantially increased the cost of doing business in this province, and he knows that.

With respect to the promise made by the government to remove OHIP fees, I might add that the Treasurer did not at the time come clean with the Ontario public and indicate that he was going to collect fully \$500 million more money when he made this transition and simply shift the it on to the backs of the employers of this province. How can he justify what is fully a \$3.1-billion additional tax grab? He can couch it in whatever way he wants with respect to avoiding the direct charge to Ontario taxpayers, but I want to tell him that his increases have—

The Speaker: Order.

Mr Brandt: I am getting to my question.

The Speaker: I thought you had placed your question and then you wanted to tell—

Mr Brandt: I do not think I had. Maybe I rolled over it quickly, Mr Speaker, and did not realize it.

The Speaker: Then place your question.

Mr Brandt: I will.

The Speaker: Thank you. I appreciate your co-operation.

Mr Brandt: You always have my co-operation, sir.

My question to the Treasurer is this: How can he justify a \$3.1-billion increase in additional taxes at a time when the Ontario economy is noticeably slowing, even according to his reports?

Hon R. F. Nixon: I want to deal with two comments that the honourable member has made. I want to set his troubled mind at rest. There is no overlapping or extra payment associated with the support of medicare from the transition from premiums to the employer health tax. I have told him and the other members of the House that before and he remains unconvinced. I regret that, but that is factual.

I would also like to say that, by way of doing away with premiums, we are actually putting back into the pockets of the taxpayers across the province, including the residents of Sarnia and Lambton county, close to \$1 billion in money they otherwise would have paid in personal income taxes or medicare premiums. This is not smoke-and-mirrors money; this is money left in the pockets of all of us, as well as all of the other citizens of Ontario, which is a stimulus to the business ambience of this province and accounts to some degree for the economy being buoyant. So I want to tell the honourable member that we are replacing the OHIP premiums with this tax, which we believe to be fair and equitable and eminently justifiable by any reasonable person.

1410

Mr Brandt: The Treasurer himself indicated in the headline in the Toronto Star on 6 October 1989, "Ontario Must Stay Competitive to Keep Businesses," and the members will note that there are a number of businesses leaving this province at this time.

I want to say to the Treasurer that while he proudly stands up and indicates the money going back into the taxpayers' pockets, he makes light of the fact that he is, even without the argument and the debate that we have had about double collection for January through March of 1990, collecting fully half a billion dollars more in revenue than he would have, had he kept the OHIP premiums in place.

Perhaps this question might be a justifiable one to the Treasurer. Can he share with the members of this House any other provincial jurisdiction in

Canada that is increasing taxes as rapidly as his government?

Hon R. F. Nixon: I think that the question should more properly be phrased, "Is there any other government in Canada that is offering such a spectrum of modern and useful services as this government?" But I think that the honourable member, as a taxpayer of the province as well as a member of this Legislature, should share our pride in the initiatives that have been taken to improve the quality of education, to improve our environment, to see that our medicare system and our hospitals are as good as any that can be found anywhere. We are very proud of this accomplishment and we are doing this at the same time as we are reducing our deficit from the \$3 billion that it was when the member was in charge to under \$600 million this year.

HEALTH INSURANCE

Mr Brandt: I want to address my next question to the Minister of Health and I want to revisit with the minister the discussion that we had yesterday, where she took issue with my press release. I want to say to the minister by way of comment that I stand by every word of the press release that I issued yesterday, and if the minister wants to debate that, I am prepared to do that now.

The minister would not admit in this House to the fact that certain services would be withdrawn from those citizens of Ontario who were not prepared to pay their OHIP premiums in that double period between January and March of 1990. She said something else outside the House. Would the minister clarify her position and that of the government, so that the people of Ontario will know exactly what she means for a change?

Hon Mrs Caplan: I think the Treasurer (Mr R. F. Nixon) explained very well to the leader of the third party, and as hard as he will try to confuse the people of this province, I will once again state very, very clearly that all residents of Ontario are covered for the health services that they receive. We are attempting to communicate with them during this time of transition to ensure that they understand exactly what that means and what their obligations are.

Mr Brandt: Then let me be very direct with the Minister of Health, who is collecting this tax on behalf of the Treasurer. The people of Ontario will be paying their OHIP premiums until the end of December 1989. Correct? As of 1 January 1990, the new employer health levy will come on stream. Will the minister tell me what period of

time is missing in between and why the double taxation for the first four months of 1990?

Hon Mrs Caplan: I know that the leader of the third party really does understand this, which is why I take such exception to the irresponsible message that he is trying to give to the people of this province in suggesting that they should be worried about whether or not they are covered. I want him to know very, very clearly that in fact during this time, as we switch from a premium to a tax, all residents of the province of Ontario will have access to health services.

We will ensure that they have the information that they need to understand this transition, and I want to say very clearly to the leader of the third party that he must assist us in giving people the information they need during this time of transition, so that they will have confidence that we will smoothly move from a premium to a tax.

Mr Brandt: I want to be helpful to the minister and I want to say, by way of explanation to the people of Ontario who may be listening to this debate today, that the minister is collecting through this new scheme under the Treasurer fully \$500 million in additional money. The amount of money for OHIP premiums that is involved in this exchange is about \$100 million.

The government is already collecting hundreds of millions of dollars of additional money over and above what would normally be collected. Why does the minister not simply say to the people of Ontario that she is not going to doublebill them for the first four months of 1990?

Hon Mrs Caplan: I think it is that the leader of the third party does not want to understand. The Treasurer was very, very clear. There will be no additional premium notices going out after 1 January. The member should know that. As of 1 January, there will be a tax and health services will be funded from the consolidated revenue as are all government programs.

Everyone in this province, all residents of Ontario, will be covered and have access to the health services they need. They will require a health number. We will attempt to communicate to them, so that they have all of the information that they need through this time of transition, but I want them to have confidence that they will all be covered and have access to the services they need.

Interjections.

The Speaker: Order. I hope you are all aware of what the Minister of Revenue (Mr Mancini) just stated—20(b), that no other member shall participate except on a point of order.

FOREST MANAGEMENT

Mr Wildman: I have a question for the Minister of Natural Resources related to the industry-ministry Report of the Task Force on Forest Management Agreements, which was finished in October 1988 but was never published by the ministry and has only now been published before the environmental assessment by the industry.

How does the minister respond to these criticisms: First, that the ministry's province-wide cap on nursery stock production has resulted in insufficient stock to reforest the cutover areas and, second, that the ministry has been unable to produce stock meeting the standards which it agreed to under the FMAs? How is it the ministry is not producing enough stock to cover the cutover areas and is not producing stock that is of the standard required in order to ensure regeneration of our forests?

Hon Mrs McLeod: I think I would want to return to that specific FMA document which reviews, if I recall it correctly, four very specific forest management agreements and makes some very positive comments in recommending that those forest management agreements be renewed because of the success that is identified in having been able to carry out good forest management. Obviously, a part of the review process was also to recommend some areas in which improvements can take place. There has clearly been a focus within the last years to increase the amount of regeneration that is taking place and to ensure that is reflected in new FMAs that are signed.

Mr Wildman: The minister may not be aware that it specifically states that this is true of 10 out of the 13 forest management agreements. Can the minister explain how it was that the report found that there is insufficient funding being provided for the crown management units as well and that, besides not meeting the obligations under the FMAs, the ministry is not providing enough funding to carry out its own reforestation program on crown management units? What has the ministry been doing since October 1988 to rectify the situation and respond to the criticisms that the minister has kept secret for over a year?

1420

Hon Mrs McLeod: I do not think there is any secret at all about the kind of work that is being done in the whole area of forest management and forest regeneration. I do not have any need to keep secret the numbers of acres that are being regenerated, to look at the improvements that have been made in fact within the period of the

last year when we had a \$230-million budget for forest management.

I think it is not appropriate to simply reflect on a report which is looking back on a past situation and to take out specific criticisms, given the context of that report which is generally very positive. Let me recognize instead a specific figure for hectares regenerated. I will just use this one figure: in 1986-87, 123,607 acres; by the next year, it was 135,979 and in 1988-89, it was 150,513.

I think along with the increase in the forest management budget last year, as we look at the total provincial perspective, we are in fact improving our regeneration. Yes, there is more that we can do. That is always the case. The concerns about timber production policy and the recommendations the class environmental assessment makes will become part of our future direction.

Interjections.

The Speaker: Order. Are you just about finished? Okay, I do not mind waiting. Order.

ADVOCACY AND GUARDIANSHIP

Mrs Cunningham: My question is for the Minister of Health. Today I want to bring to the attention of the minister the need for independent advocates for vulnerable adults. This Liberal government, and specifically the Attorney General (Mr Scott), has been promising to put in place an advocacy program since it has been in power. What has resulted? First of all, at great expense, the Manson report, then the Fram report and the O'Sullivan report, and it is my understanding, since 1987 and three big reports, we have yet another committee studying this issue. When will the minister respond to the need for independent advocates for vulnerable adults?

Hon Mrs Caplan: Mr Speaker, as this matter goes far beyond the Ministry of Health, I will refer it to the Attorney General.

The Speaker: It has been referred to the Attorney General.

Hon Mr Scott: I am very grateful for the question. Of course, it would not have been possible to even ask the question before 1985, because the previous government had not the slightest interest in this subject. However, when we came in in 1985, we commissioned the three reports that the honourable member has referred to.

They deal with two subjects essentially: the issue of guardianship, which is a technical and very complex subject, and the issue of advocacy.

They run, of course, across a variety of ministries in the government service. We have a committee that is developing options which, if effective, as we believe they will be, will introduce in Ontario for the first time potential for advocacy and guardianship unlike any service available anywhere else in the western world.

It is going to take a considerable period of time to do it, and I always remember how the Conservatives hectored me because we were not doing pay equity fast enough. Does the member remember that? It was before her time, but they will remember. They gave us hell about it every day and then we did it. Now we are going to do this carefully and prudently, but I want the honourable member to know that it is a priority with us and we are moving towards it.

Mrs Cunningham: I do not want to argue with the Attorney General but the issue of advocacy had in fact been dealt with by the Conservative government long before 1987 and advocacy in psychiatric hospitals had been in place. There was a beginning. There was a problem. This report looked at it. It was the beginning of advocacy in this province, and I was part of that so I know it very well.

I should go on to say that given three more reports, everyone in this House is probably aware of the very sad case of Leila Smith, an ex-patient in her 50s, who was beaten and later fell down some stairs. She spent 11 months in a coma, and this occurred in November 1986. If action could have been taken to address the urgent need for independent advocates, perhaps all the later cases of abuse in Cedar Glen could have been avoided.

The Speaker: And the question would be?

Mrs Cunningham: I do, of course, have another question. It is obvious to all of us that there is a real need for this service—

The Speaker: Supplementary question, please.

Mrs Cunningham:—and I would like to know if the minister will be prepared to introduce this important legislation first thing in the next session.

Hon Mr Scott: If the honourable member is correct, and I very much doubt it, that the Conservatives ever had the slightest interest in advocacy for frail adults, it would have appeared—which of us remember?—in the famous Miller speech from the throne where, in an effort to buy support from the third party, a whole lot of things that the Conservatives had never shown the slightest interest in for 40 years appeared.

Now we happen to be interested in this issue, and I want to assure the honourable member that it is being given a priority. But we are very conscious that what we are engaged in, particularly on the guardianship side, is a technical issue that presents a lot of difficulties in light of the Charter of Rights and Freedoms. I want to assure the honourable member that we will be addressing her concerns.

CULTURAL ORGANIZATIONS

Mr Owen: I have a question for the Minister of Culture and Communications. I appreciate that the minister has been visiting across the province, criss-crossing and encouraging and identifying with cultural organizations in Ontario. Yesterday we had the good fortune that she was in Simcoe county. The problem that I have and hear from the—

Interjections.

The Speaker: Order. Would all members show a little more respect for the rules they passed? Order. Supplementary, the member for Simcoe Centre.

Mr Owen: I have not asked the question yet.

Interjections.

The Speaker: Order. We will just wait. We have lots of time. Question, the member for Simcoe Centre.

Mr Owen: Thank you, Mr Speaker. The concern that I had expressed yesterday at the organization the minister visited and the other cultural organizations in my area is that they have a problem with getting volunteers. There may be many explanations today, and my question to the minister is, I know that she identifies and she encourages volunteers, but is there any other leadership that can be shown to encourage and to bring about more volunteerism? I have been shown that if we could double in this province the number of hours or people in volunteer to the cultural organizations, we would have another 300 million hours available to these organizations.

Hon Ms Hart: I thank the member for Simcoe Centre for raising this problem. It is a societal problem largely based on the fact that the women of our society, who traditionally did the volunteer work, are now very often occupied outside the home in paying occupations, but that is not the end of the story.

Of course we need volunteers and we have a great many volunteers now, men and women. Those volunteers enable our cultural organizations to exist. Perhaps I could give the member

some examples. He will have heard of the LACACs, the local architectural conservation advisory committees, in virtually every community in this province. These are all voluntary committees. There are 2,000 volunteers across the province and yes, our ministry does fund those LACACs and makes sure they can exist.

1430

Mr Owen: On another day I would like to ask about the contributions to the arts by the federal and provincial governments, but for today I would like to comment about their concern with donations from individuals and the corporate sector. They have advised me that in the past 16 years individual donations to these organizations have dropped 30 per cent and that corporate donations, again to the nonprofit sector, are down over the past 14 years by almost 20 per cent. They say they are having a serious problem.

I would like to know what the minister's ministry can do to show leadership to encourage more donations to these various organizations, because without more help some of them are going to have trouble surviving.

Hon Ms Hart: We are actually victims of our own success. Since the early 1970s in Ontario we have had an explosion of cultural activity, and as the cultural sector has grown and has become more important to the economy it has outstripped our ability, as governments at all levels, to fund it.

All levels of government have been encouraging the corporate sector to participate as partners in the funding of very many cultural activities. Most recently we have had a program, which we call Investment in the Arts, that is intended to lever funds from the private sector. It has worked. We have put in \$10 million and we have levered a corresponding \$10 million. But I would be the first to say that it is not enough and that we will be working further to reach more corporations.

ROUGE VALLEY

Mrs Grier: My question is for the Minister of the Environment and it requires merely a yes or no answer. Can the minister tell the House whether he personally supports the placing of a garbage dump on lands at the edge of the Rouge Valley?

The Speaker: Minister, yes or no?

Hon Mr Bradley: I do not think the member ever expected to get a yes or no answer from me on any subject because—

Hon Mr Elston: She did not expect that at all. She needs a full explanation from this minister.

Hon Mr Bradley: She knows a full explanation is required, as my friend the member for Bruce (Mr Elston) indicates.

I can indicate clearly that the choice of any particular site selected by a municipality is the choice of that municipality. The role of the Ministry of the Environment is to ensure that the Environmental Assessment Board has a hearing on it, which it would do on any site that might be selected, but no decision, as I understand it, has been made by any municipality at this time. It would be wrong, I think, for me to speculate on that.

The member will know that virtually every application that comes in—I am sure there are people out there who would like a political decision to be made by the Minister of the Environment that no, this site will not be considered or this project will not be considered, but our role is to ensure that the Environmental Assessment Board listens to the arguments and makes a decision. We will ensure that happens.

Mrs Grier: I did not need to have a lecture on process from the minister. I was asking him his personal position on this issue that is critical to a great many people in Metropolitan Toronto and the surrounding area. Let me ask the minister again, does he or does he not support lands on the edge of the Rouge Valley being designated as a suitable site for garbage disposal?

Hon Mr Bradley: As I indicated to the member and as I will indicate on any occasion, let's put it in perspective. For instance, the choice for the Ontario Waste Management Corp toxic waste facility is probably about 25 miles from my house. There are a lot of people who would like—

Mrs Grier: That's appropriate.

Hon Mr Bradley: The member says that's appropriate. I will share that with my colleagues in St Catharines.

What some people would like me to do, for instance, is to say, "You wouldn't possibly consider it in this particular area of the province, would you?" I explain to them that we have a process and that this process is that people who have objections to any particular choice made by a proponent will have the opportunity to oppose it. Not only will they have the opportunity to oppose those, but as the member knows, because of the very progressive legislation brought forward by the Attorney General (Mr Scott), they will have government funding, or proponent

funding in this case, to assist them in making their case no matter what choice is made.

It would be very irresponsible for me as the Minister of the Environment to say, when any proposal is brought forward, that it will not be considered.

LONG-TERM CARE

Mr Eves: I have a question of the Minister of Health. Several weeks ago, as I am sure the minister is aware, a patient at Christie Park Nursing Home suffered a fatal beating by a psychogeriatric patient. Nursing homes across the province have a problem with this type of patient. They feel the only options they have now are to call the police or to send such patients to psychiatric hospitals. Is this the way the minister and her ministry want to see the ill and elderly people of this province treated?

Hon Mrs Caplan: As the member opposite knows, my priority is and always will be patient care. I can tell him that we have taken an approach within the nursing home branch to work with nursing homes to ensure they bring their homes up to compliance. I want him to know that while there is still room for progress and for improvement—there always is—I think we are moving towards an era of a co-operative approach to ensuring that standards within nursing homes are met and that patient care is the priority.

Mr Eves: I am sure the minister is well aware that nursing homes across the province do not receive funding adequate to their needs for special programs for these patients. There is no space at homes for the aged, which generally do a very good job with this type of patient; there is not any space left at these homes in the province. Psychiatric hospitals are not the answer for these patients and reporting them to the police certainly is not the answer.

What specific steps is the minister and her ministry taking to enable various people in the province to deal with this type of patient? She has just told us she is very concerned about it. She should tell us what specific steps she is taking, what funding and programs—

The Speaker: The minister.

Mr Eves: —she has in place to specifically deal with their very real needs.

The Speaker: Order. That is the second time you have asked those questions.

Hon Mrs Caplan: I want to thank my critic for this very important question. I know that he will acknowledge, as will all members in the House,

that we have no long-term care system in place. What we have is fragmented and unco-ordinated. There is no common assessment process. This was identified some time ago. My colleague the Minister of Community and Social Services (Mr Beer) announced our intention to develop a comprehensive, long-term care system. This long-term care reform is something we are actively working on. I know the member will be very interested in the progress we are making when we are ready to make an announcement in due course.

VEHICLE EMISSIONS

Mr Faubert: My question is to the Minister of the Environment and actually requires more than a yes or no answer.

Residents throughout the greater Toronto area and residents of urban communities across this province are acutely aware that air quality problems continue to plague our urban areas. We are all aware that automobile emissions contribute substantially to the smog levels with which residents living in cities such as Scarborough, and across Metropolitan Toronto, must contend. Can the minister advise the House whether the emission controls currently in place are sufficient or whether further controls are being considered?

1440

Hon Mr Bradley: There are a number of initiatives that can be taken and I want to indicate that some of those initiatives have already been taken. I want to assure the member they will continue to be implemented in future years. The member may be aware that we implemented in this province something they did not have in other provinces—I am assured it is going to happen next summer—and that is the use of lower smog gasoline so that the volatility of gas is lowered rather considerably and the smog in urban municipalities, for instance, is reduced by about eight to 10 per cent, not only for the people in the area but also for those who are downstream.

In addition to that, the Canadian Council of Resource and Environment Ministers met in October of this year and I was an advocate of adopting the proposed California standards for the 1994 model year. I am pleased the conference accepted the suggestion of Ontario.

The Speaker: Thank you.

Hon Mr Bradley: There was unanimous agreement that in Canada we would adopt the California standards for nitrogen oxides, hydrocarbons and carbon—

The Speaker: Thank you.

Mr Faubert: Urban smog is not the only concern resulting from automobile emissions. Ozone depletion is also considered a serious consequence. This is a problem that is of concern not only in Ontario, but as the minister points out, nationally from coast to coast and therefore it must be dealt with on that national level. The minister mentioned a promise by the federal government to announce national regulations on vehicle emissions. Can the minister advise when these announcements are expected to take place?

Hon Mr Bradley: The agreement was at the conference of Environment ministers and it would be announced very soon. We have to recognize that it takes the automobile companies some three years to implement the actual changes in terms of the equipment that is put into automobiles. There was an indication by the federal minister, as I indicated, that we would probably have to have an announcement in November of this year.

I have no reason to believe that we will not soon see that change announced by the federal minister since there was a commitment at the Canadian Council of Resource and Environment Ministers of Canada. I would expect that very soon there would be what we call a preregulation announcement, so that the people who are involved in automobile manufacturing would know what would be coming off the line in September 1993 in terms of the 1994 models, would know that we would want to have the proposed Californian standards for the substances I indicated. I am optimistic that that commitment will be kept and that we could see that in the not too distant future.

The Speaker: New question, the member for Lake Nipigon.

Interjections.

NORTHERN HEALTH SERVICES

Mr Pouliot: Mr Speaker, with respect, on a point of order before I proceed with the question: Those wolves dressed in sheep's clothing are contravening, and I know why they are upset. It is because I am about to ask the Minister of Health one more time a question about the critical shortage of doctors in northern Ontario.

The minister will be aware of a telegram addressed and signed by 13 reeves, mayors and hospital chairpersons highlighting the critical shortage of physicians in hospitals along the north shore of Lake Superior. The minister is being blessed. She is being extended the compliment of an invitation to attend a meeting at

her convenience in January or February so that she will be the recipient of our answers to her problem that she has been unable to solve to this date.

Yes or no, will the minister join us at a meeting in Terrace Bay?

Hon Mrs Caplan: As the member opposite knows, I have travelled extensively throughout the north and I am very aware of the challenges of attracting health professionals to northern communities to deliver health services. He knows as well that while we have an adequate supply of physicians across Ontario, we have geographical distribution issues that must be addressed.

He knows as well that I established the Northern Health Manpower Committee which is just beginning to meet. We have a director of the underserviced area program. I say to him that I would be pleased to have the director meet with his community, but if possible and I have the opportunity, I would be pleased of course, as always, to meet with community leaders as I travel throughout the north.

Mr Pouliot: Let's get this straight here. We are not asking the minister to travel to British Columbia to examine the solutions that were taken to solve the problems under a former regime. We are asking her to meet her own people. Thirteen communities are saying to the minister, "Pay us the compliment of a visit, Your Grace." Those are the people paying her wages and they want a meeting with her in January or February. Will the minister give it to them?

Hon Mrs Caplan: The member opposite, of all members in this House, knows that I have travelled extensively and have visited communities in his own riding. I always try to meet with community leaders as I travel through the north. I say to him that I will be in the north again, as soon as I can possibly arrange it given my schedule, and I will continue to meet with northern leaders.

However, in the meantime I would encourage his constituents and his community leaders to set up a meeting with our northern co-ordinator and with the underserviced area program director so that they can be aware of the many initiatives we have undertaken already to meet the challenges of northern Ontario in the delivery of health services.

LENGTHS OF TRUCKS AND TRAILERS

Mr Wiseman: I have a question for the Minister of Transportation. On 25 October in a speech to the Board of Trade of Metropolitan Toronto, concerning 53-foot trailers on Ontario roads and highways, the minister stated and I

quote, "I continue to be concerned about the potential safety implications of changes such as those." Not one month later, on 23 November, the minister announced that he was endorsing new truck length standards, including those of the 53-foot trailers.

Perhaps the minister could explain this incredible about-face in policy and also table the studies that led him to believe that 53-foot trailers were safer than 48-foot trailers?

If I could, Mr Speaker, I have—

The Speaker: Perhaps we will get the response.

Hon Mr Wrye: Thank you, Mr Speaker, and perhaps we will have time for the supplementary.

An hon member: Do not bet on it, though.

Hon Mr Wrye: But perhaps not.

First of all, let me say to my honourable friend that I am surprised he has not had an opportunity to read the three-year \$3-million study by the Roads and Transportation Association of Canada which was published, I believe, in early 1988 and was the basis for the action that has now been taken by a majority of the jurisdictions in Canada, which have joined the majority of the jurisdictions in the United States. I want to make him the commitment today that I am prepared to send him a copy of that study.

I want to make it very clear to the honourable gentleman that the concerns I expressed in the speech at the Metro Board of Trade are absolutely consistent with the concerns I expressed again in the speech to the Ontario Trucking Association. I believe they are concerns that are shared by the senior leadership of the OTA, that we ensure that in 1989, and indeed beyond, our trucking industry and our trucks on the highways are just as safe as they can possibly be.

REPORT BY COMMITTEE

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

COMITÉ PERMANENT DES AFFAIRES SOCIALES

Mrs O'Neill from the standing committee on social development presented the following report and moved its adoption:

M^{me} O'Neill du Comité permanent des affaires sociales présente le rapport suivant et propose son adoption :

Your committee begs to report the following bills as amended:

Bill 64, An Act to amend the Education Act and certain other Acts relating to Education Assessment.

Bill 65, An Act to amend the Ottawa-Carleton French-Language School Board Act, 1988.

Projet de loi 65, Loi portant modification de la Loi de 1988 sur le Conseil scolaire de langue française d'Ottawa-Carleton.

Motion agreed to.

La motion est adoptée.

Bill 64 ordered for third reading.

Bill 65 ordered for third reading.

Le projet de loi 65 devra passer à l'étape de troisième lecture.

1450

INTRODUCTION OF BILLS

UNCLAIMED INTANGIBLE PROPERTY ACT, 1989

Mr R. F. Nixon moved first reading of Bill 86, An Act respecting the Custody of Unclaimed Intangible Property.

The Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Motion agreed to.

EDUCATION AMENDMENT ACT, 1989

Mrs Cunningham: I move that leave be given to introduce a bill entitled An Act to amend various Acts with respect to Easements and Other Matters and that it now be read the first time.

The Speaker: Mrs Cunningham has moved that leave be given to introduce a bill entitled An Act to amend the Education Act and that it now be read the first time.

That is not what I heard, was it? That is the long title. There seemed to be something wrong. My words did not seem to be the same as your words. There was a lot more to it than that.

Mrs Cunningham: Mr Speaker, my intent was to amend the Education Act. When we asked for assistance from your office, this is the way it was presented to us.

The Speaker: Shall we put this on record as amending the Education Act?

Mrs Cunningham: Okay, Mr Speaker, I will. The short title is the Education Amendment Act, 1989.

Mrs Cunningham moved first reading of Bill 87, An Act to amend the Education Act.

Motion agreed to.

Mrs Cunningham: Very simply, the purpose of the bill is to update the terminology used in the act with respect to developmentally disabled children and pupils.

ONTARIO MORTGAGE BROKERS ASSOCIATION ACT, 1989

Mr M. C. Ray moved first reading of Bill Pr46, An Act to revive Ontario Mortgage Brokers Association.

Motion agreed to.

ALARM SYSTEMS ACT, 1989

Mr McLean moved first reading of Bill 88, An Act to regulate Alarm Systems.

Motion carried.

The Speaker: The member may have a brief explanation.

Mr McLean: A brief, three-paragraph explanation. The purpose of the bill is to regulate alarm systems installed on real property. The bill establishes a licensing system for persons engaged in the business of providing alarm services and persons employed as alarm installers.

The bill provides for investigations regarding the suitability of persons applying for licences and investigations of complaints against persons providing alarm services.

LABOUR RELATIONS AMENDMENT ACT, 1989

Mr Mackenzie moved first reading of Bill 89, An Act to amend the Labour Relations Act.

Motion agreed to.

Mr Mackenzie: The purpose of the bill is to prevent the hiring of strikebreakers and to control access to a work premise that is affected by a strike or lockout. The bill prohibits an employer from hiring or using the services of a person to do the work of an employee who is on strike or locked out unless that person is specifically authorized to do so. Similarly, when a picket line is established at a place of access to a work premise, access is limited to persons specifically authorized by the bill.

The bill repeals a provision of the act dealing with professional strikebreakers and strike-related misconduct.

ORDERS OF THE DAY

INSURANCE STATUTE LAW AMENDMENT ACT, 1989

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 68, An Act to amend certain Acts respecting Insurance.

The Speaker: I believe the member for London North adjourned.

Hon Mr Ward: Mr Speaker, before the debate resumes I would like to advise the House that by agreement the three parties will split the last hour, 20 minutes to each party, beginning at 4:45, and I would ask that the table keep track of the time.

The Speaker: I understand the parties have agreed. However, I hope there is unanimous consent here today.

Agreed to.

Mrs Cunningham: I would like to spend a few minutes on a couple of concerns I have with regard to this new bill on automobile insurance.

I guess it goes back to the very beginning with regard to the question and the issue and the concern of the government in 1987 when it stated: "We have a real problem with automobile insurance rates; they are increasing. We are concerned about that. We are not sure how it will affect the public, and our extreme desire would be to see us able to reduce them."

I am sure that many of us would be making those kinds of statements, especially when we are not certain about circumstances. As a result, in order to get a handle on the real issue and the real problem, the commission was established with the leadership of the Honourable Mr Justice Coulter Osborne, the Supreme Court of Ontario commissioner, and he did produce quite an extensive report; probably one of the best reports on auto insurance that has been put together in the history of any province in Canada, and it is called the Report of Inquiry into Motor Vehicle Accident Compensation in Ontario. It is extremely thorough.

Some of us have spent a lot of time studying it and asking questions about it. I have to admit that we have not been able to get better advice as we have been asking our questions about the proposed legislation.

1500

I would just like to sum up my remarks by saying a couple of things. I think Mr Justice Osborne's conclusions should be taken very seriously. He says, "I have reached the conclusion that existing no-fault benefits ought to be substantially expanded"—no-fault, of course, does exist now to a point—"made truly no-fault in their character, and that the right to individual compensation in the tort system ought to be maintained."

I think that is what we should be looking at in the public inquiry that will take place on this

particular bill. I am hoping the government members will be totally open to suggestions for improvement based on, I think, expert witnesses who have already indicated to a number of us from all three parties that they would like to be part of these deliberations.

"In the system I have proposed," he goes on to say, "the need to sue has been reduced." I think basically that is what the insurance industry was telling us, that the need to sue or the action of suing is one that was of great concern to it and, certainly, the results of those actions, which in fact resulted in some very substantive payouts, was a concern.

I should remind the House that on page 363 of the Osborne report, where it outlines the progression of motor-vehicle-accident-related claims through the courts, it does show in 1985 that there were 232,207 third-party-liability claims reported. This was in 1985. Only 4,383 of these cases went to trial and only 3,755 proceeded through to judgement. That is just 1.6 per cent of claims.

I think sometimes when we talk about the system being able to sustain these kinds of actions, one should remember that, yes, 1.6 per cent of the claims—and the members remind me that is a lot of dollars and that is what we really need to understand—and in spite \$1.8 billion, in spite of all of those numbers, Mr Justice Osborne still says, "Having looked at a great number of compensation systems, in the final analysis it seems to me that, while our system is far from perfect, Ontario should be an exporter not an importer of compensation systems."

I think we should underline those words. Our present system is working with a few flaws and the underlying recommendation is that we should be an exporter not an importer of compensation systems.

This is the recommendation by the Honourable Mr Justice Coulter A. Osborne, for those who are wondering just who said that.

I should also like to underline another conclusion. In the main body of the report, he does develop the arguments for this conclusion. Understanding the propensity of those of us who are elected to like little summaries, the beginning of this report does say, "Summary of Finding and Recommendations." For those who took it further and tried to understand it and tried to ask further questions, I would say that we would come back to the very beginning of the study and agree with his other conclusion where he states:

"Aside from the provision of a modest degree of additional stability for automobile insurers,

cost premium decreases would be modest were we to proceed to threshold no-fault and those modest cost savings would be important on the backs of over 90 per cent of injured Ontario motorists who now have the right to seek non-economic compensation."

So if we are going to make these substantive changes where 90 per cent of injured Ontario motorists now, today, have the right to seek noneconomic compensation, I would think we should be very seriously looking at any new evidence that would support the present bill. That is what I am going to be looking for. If the government is really serious about and confident in this new legislation, I would expect it would have witnesses before the committee who would support the very premise and the very essence of that bill.

We were accused sometimes during our speech yesterday of reading letters from solicitors. I tried very hard not to read letters from solicitors only because it seemed to offend members of the government, not because I was not seriously taking their advice, because in fact I was. Those are the persons who are most familiar with the legislation and whom we, as citizens, require to help us in any resolution of disputes over the availability of remuneration because of a car accident.

I can only say that no matter what way one wants to look at this new legislation, the actions that take place now on behalf of victims will take place in the same manner in the future timewise. We will still need mediators and we will still need advocates, we will still need lawyers, we will still need to be paying individuals to represent us either privately ourselves or through the insurance companies that represent us. It will still take a very long period of time.

I suppose one of the issues that we have thoroughly looked at would be the issue of the \$500,000 for the up-front money, if someone is disabled, for the care of the individual and the rehabilitation. That has been presented on a number of occasions by the members of the Liberal government.

Looking into the reality of that sum of money, that is the kind of money that would be spent over a very long period of time. In fact, we were advised that the most one could get out of that money would be some \$1,500 a month, and if that is the case, we know that anybody who was not able to sue but who needed long-term care or around-the-clock care could not begin to receive that kind of service in his own home, even paying the minimum wage or paying the minimum wage

of a support system that basically supports a \$10-an-hour income for people who are out there to assist disabled victims of car accidents or those in ill health.

We are most concerned with this legislation and our great plea at this point in time would be that the Liberal members of this government remain open-minded. We are hoping we can give them that credit at this point in time even though, with due respect, the minister, I think in a moment of weakness, has been quoted as saying that the hearings will not make a difference. I would hope that would not, in fact, be something he would continue with, because that was a statement that was made at the beginning of the Sunday shopping hearings, and we know where they went.

I would hope that the people of Ontario will find some hope that the government will be listening to them during the public hearings on this no-fault automobile legislation.

We have a number of letters from parents of children who have been hurt, a number of letters from children whose parents have been hurt, and they all describe in great detail what would happen to them under this no-fault legislation in its present form and what has happened to them in the past. We must consider very seriously important changes to this legislation so that we can be assured that what we are buying in the public marketplace and in the private marketplace is something that we can depend on and something that we know will be there whenever, God forbid, any of us needs it or family members need it.

I will close my remarks and hope that the members and the minister, in particular, will be open-minded about the input in the public hearings and that this legislation will be changed rather significantly before it is passed in this House. We should be very grateful to have the kind of expertise we have in the province of Ontario and we should be listening very carefully to the Honourable Mr Justice Coulter Osborne as he advises very carefully in his more recent report.

1510

Mr Kormos: We are not as interested in seeing this legislation amended or tinkered with as we are in seeing it defeated, quashed, tossed into the waste-basket where it indeed belongs.

It is not too hard to understand where the legislation came from, because the Insurance Bureau of Canada demanded of this government a threshold system some number of years ago. Finally, the government is delivering to its boss,

to the master's voice, the Insurance Bureau of Canada, and it is selling out the drivers of Ontario lock, stock and barrel in the process.

Now, it should not surprise us. This is the same government that told us one thing and then did another about Sunday shopping—Sunday working. This is the government, the Liberal government that said one thing and did another about openness. This is the government that said one thing and did another about its responsibility in terms of funding educational systems here in Ontario, including places like Niagara College in Welland.

Mr J. B. Nixon: On a point of order, Mr Speaker: My point of order is quite simply that I understood this was an opportunity for individual members to respond to the speech delivered by the member for London North. I have heard the member for Welland-Thorold deliver a diatribe against the government, but that has nothing to do with anything. He should be speaking to the speech given by the member for London North.

The Deputy Speaker: The member may continue.

Mr Kormos: The member for York Mills, who does not know spit from Shinola, would not know whether it was drilled, punched or bored, and his purpose in the point of order was, of course, to cut my—he has never participated in the debate because he does not know the bill in any way, shape or form. He demonstrated that at the Advocates' Society a month ago.

The Deputy Speaker: Thank you. The member's time is up. The member for Wellington.

Mr J. M. Johnson: I have just a few brief comments. First, I want to congratulate my colleague the member for London North, and maybe for the information of the House, it is her birthday today, too, so we should be especially kind. That is especially meant for the member for York Mills.

I am quite concerned about the legislation. I am pleased that the government is going to send it to public hearings. My concern is with a health aspect of it. I feel that the money that is saved in not paying lawyers will end up paying doctors to do much the same thing. I am not sure how the members in the Legislature find dealing with the Workers' Compensation Board, but I find it extremely difficult. We have people, constituents, who in my mind have extremely good cases and they cannot get the support from the doctors that they need to establish there that they do have an injury. I feel that we are heading in that

direction with this piece of legislation, Bill 68. It does not make much sense to me to create another problem in the medical profession, as there is enough there now.

It is ironic that the former Minister of Health, the member for Bruce (Mr Elston), who is just entering the chamber, is also the sponsor of the bill. As the former Minister of Health, I am sure he realizes that there is a problem in our health delivery system now—lack of dollars, for one thing. This type of legislation is only going to increase that cost and I hope that when the bill is brought into committee, consideration is given to this one aspect of it.

Again, I commend the member for London North, who made many excellent suggestions of how it could be improved. Hopefully, for once, the Liberal government will listen to some of these excellent recommendations.

Mr J. B. Nixon: I too want to congratulate the member for London North on her birthday and a speech well delivered. I can only say that I must take issue with one point in her speech. When she says that the system is working reasonably well, I think she makes a mistake. We have heard for the last two or three years about the problems with the automobile insurance premiums in this province. We have heard consistently, day after day, the complaints, since 1985, from consumers, the opposition and people and members of our own caucus.

All of us have been concerned about high premiums. Finally, the government has taken the decision to act in an expeditious way to deal with these problems, and I too, like the member for London North, look forward to committee hearings on this bill.

I think people will find that the bill fulfils many of the requirements that they see as necessary to be fulfilled. One of the things, though, that does concern me is that the party of virtue, sweetness, light and all goodness has so little to say on this bill that it degenerates into ad hominem and personal attacks and has no matters of substance left to say, that being the New Democratic Party, not the member for London North, who did deliver a serious, thoughtful speech, for which I thank her.

Mr Sterling: I did not expect to get this opportunity, but I welcome it. I do not want to be repetitive, because I know that the debate has gone on a long time regarding this act respecting insurance. I do want to say, however, that this whole debate and the time of the Legislature that has been taken over the past week and the time that is going to be taken by a committee which is

going to travel across this province for six weeks into the new year is all unnecessary.

It is amazing, as you become a member of this Legislature and you sit here longer and longer, and particularly as I experienced watching this Liberal government over the past five years—it seems it is bent on creating work for itself. That is how I would sum up what Bill 68 is all about. It is resulting from the Premier (Mr Peterson) standing up in one part of this province and saying, “I’ve got a plan to make auto insurance premiums lower for everybody in this province,” when in fact he did not have such a plan.

Instead of gracefully backing down and letting either one of the two options fall, either going to public automobile insurance, as the New Democratic Party would want, or dealing with the present system, going ahead with tort reform in a progressive manner and therefore keeping the premiums in check, he decided to bring in this abysmal piece of legislation which is not going to solve any problems and is eventually going to lead to where the New Democratic Party wants this government to go, and that is to public automobile insurance.

The Deputy Speaker: Would the member for London North wish to respond?

Mrs Cunningham: Just shortly, Mr Speaker. I will have to reiterate, but before I do, I would just like to say that when we are advising the public about the Ontario motorist protection plan, which is the guide that was sent out, I think it is interesting to note that we never mentioned any circumstances under which we could sue. They were never mentioned. The ministry talks about all the perks to the new system. “In very extreme circumstances” being described as “permanent, serious disfigurement; or permanent serious impairment of an important bodily function caused by continuing injury which is physical in nature” is not mentioned in this pamphlet.

I think that when the government was letting members of the public know about the guide to the Ontario motorist protection plan, it would have been very important to let them know under what circumstance, or under the only circumstance, whereby they could be fairly compensated through the court system, and it is not even mentioned. I think that is extremely important.

My final point is this: If we are going to ask someone with the distinction that Coulter Osborne has in this province, a person who has worked very hard to make sure that fairness is available to all in many areas of law, I think maybe we should think very carefully about what

he says. He did conclude, and I will say it again, that aside from the provision of a modest degree of additional stability for automobile insurers, premium cost decreases would be modest were we to proceed to threshold no-fault and those modest cost savings would be imported on the backs of over 90 per cent of injured Ontario motorists who now have the right to seek noneconomic compensation. Ninety per cent of us is a lot. He did look at all of the other systems and he said that this one is the one we should live with, with a few changes.

1520

The Deputy Speaker: Thank you, and happy birthday. The member for Cambridge.

Mr Farnan: Bill 68 is a bad deal for consumers. I think that is the bottom line. What constitutes a good deal? Well, a consumer would probably sum it up like this: a superior product at the same price, or the same product at a lower price. That is very simple. I think people can understand that.

When we are talking about auto insurance we can apply the same principle. Does Bill 68 constitute a superior product at the same price? Does it constitute the same product at a lower price?

Let’s go back to Cambridge three days before the last provincial election and recall the words of the Premier of this present government when he said, “I have a very specific plan to reduce auto insurance premiums.” I invite the members here to examine those words. “I have a very specific plan to reduce auto insurance premiums.” It is very clear; he is going to lower auto insurance premiums. He does not say anything about the product, whether it is going to improve or whether it is going to decrease in value as a product, but one thing he does say is that the cost of the product is going to go down.

The people of Cambridge are the kind of people who like to take you at your word, so they take the words of the Premier—when he says, “I have a very specific plan to reduce the cost of auto insurance,” they understand that the premiums will go down and the product will remain substantially the same.

Unfortunately, what has happened, Mr Speaker—you know this as well as I do—is that the cost of the premiums have not remained the same. The member for York Mills suggested that there was a problem before the Liberals came along and addressed this issue. Well, I can tell the member for York Mills that since the Premier made his promise to reduce auto insurance premiums, we have had a 4.5 per cent, another

4.5 per cent, a 7.6 per cent and now an 8 per cent increase. This constitutes a 25 per cent increase.

How do you put that alongside the words of the Premier, "I have a very specific plan to reduce the cost of auto insurance premiums," when in fact, the cost has actually risen 25 per cent? You do not have to be a mathematical genius to realize that the Premier was wrong. The cost of premiums did not go down; in fact, they went in the opposite direction and in quite a radical manner. A 25 per cent increase in any product, in the consumer's mind, is a very significant increase.

An inferior product, in fact, is now being offered through Bill 68. We are going to get a lot less for a lot more money. In other words, the product is going to decrease and the cost of the product is going to escalate. In consumers' minds, that's a very bad deal.

Let me make a simple analogy for the members of the House and those citizens of Ontario who may be listening in to us today. Let us imagine the manufacturer of a detergent who was offering a package of detergent at \$4 a package and he says: "I've got a deal for you guys. We're going to sell the package for \$5 and we're going to decrease the amount of detergent in the package by half. Have I got a deal for you."

No wonder the pages are laughing, because the pages can see that this constitutes a very bad deal. If the pages here can see it constitutes a very bad deal, I am sure the people of Ontario also will see that it is a very bad deal.

Are consumers getting less under the new government scheme of threshold no-fault? According to a consumers' group, the Committee for Fair Action in Insurance Reform—they outlined the problem and the concerns Ontario should have about this new proposed system. They say the no-fault legislation recently announced by the government takes away your rights and those of your family to recover damages in almost all cases if you are injured in a motor vehicle accident in Ontario. In almost all cases it takes away your right. Only in extreme and limited cases where you are catastrophically injured will you or your family be able to recover damages for injuries or full loss of income. In fact, to be more specific, by means of this legislation, only if you are rendered a paraplegic, a quadriplegic, seriously brain damaged or dead will you have the right to sue. Is it a good deal for consumers? In the vast majority of cases in which people's lives are seriously affected in a very negative way, the right to sue has been taken away.

Under this new bill, the people of Ontario will be, very soon, taking a serious financial risk in riding in a motor vehicle on Ontario roads. Even buying additional insurance at substantial cost will not fully protect us. Under the proposed plan, we will get nothing for pain and suffering. If you are an employee, you will be unable to recover full loss of wages. If you are self-employed, you will be unable to recover losses associated with disruption of your business. Indeed, you could lose your business and recover nothing.

You will be unable to recover for many serious physical injuries, including broken bones, scarring, torn muscles and the pain and suffering that accompanies these and other injuries. You will not be able to recover for any emotional or psychological injuries, such as depression, shock and anxiety. No matter what you earn, the most you can recover is \$450 per week, and many of the drivers who are injured will receive a lot less.

1530

For consumers this is obviously a very, very bad deal. They are going to get a lot less, and people know that. Not only are they going to get a lot less, they are going to pay a lot more. This is a very, very simple concept. I have received thousands—I repeat, thousands—of letters on this issue. I venture to add that I also invited response from my community through a mailout. But I have received thousands of letters, and the vast majority of the people of Cambridge, the same town where the Premier made this promise which he has failed to keep, know that what they are getting is not what the Premier promised. I have taken a selection of these letters and I would like to read them into the record.

From Fred Smith and Aileen Wakeford of Pinetree Crescent, Cambridge:

"As it stands now, the proposed plan ignores recommendations of your own advisers. I do not believe it will produce lower premiums. The only beneficiary to this plan will be the dangerous drivers and most certainly the insurance companies."

Dorothy Bowyer of Alexander Avenue states her position thus:

"I feel that the suggestion of no fault is a wrong principle. While it is often difficult to establish blame, there are very many cases where blame is obvious. It will be grossly unfair to reduce the cost of insurance for persons who will drive while impaired or inflict damage on innocent persons."

John Reid of John S. Reid Insurance Agency points to a critical flaw in the Liberal insurance scheme:

"This type of coverage places the working person in a very dangerous position financially. I am referring to the fact that if a person is injured in an accident other than life-threatening, he or she may be out of pocket thousands of dollars if unable to continue to work on a full-time basis while recovering. This insurance scheme contradicts our Charter of Rights, which guarantees a citizen to a just consideration. Perhaps indeed Bill 68 can be challenged successfully under the charter."

Finally, Rosemary McLaughlin of Sterling McGregor writes at great length about how, as an innocent victim, her life has been seriously affected as the result of an accident. Ms McLaughlin is the innocent victim in this accident. The letter is in quite some detail, as were many of the letters I received: "I'll have to live with my life the way it has changed and get no compensation, and the accident was not even my fault. I am sure there are hundreds, if not thousands, of people in similar circumstances." How true.

Who are the beneficiaries of this legislation? It is not the drivers, it is not the consumers of this province, it is certainly not the lawyers. The great beneficiaries of the insurance legislation as proposed by this Liberal government are the insurance companies themselves. It is with a great degree of reluctance that I have to state what I believe to be the fact that this legislation is in a very real sense a payoff from the Liberal Party to the insurance industry for the support received by the Liberals in the last election.

It is interesting that the only people who are not complaining about this legislation are the insurance companies. In fact, they love it. And why would the insurance industry not love this legislation? Look at what they get. They get the right to increase premiums and they get the right to take away the rights of the consumer to go to court and claim full compensation. Is it not fantastic? The insurance industry, with its legalese and paperwork and the ability to bamboozle with its fine print, will now deal with a consuming public that will not have the right to the protection of the legal profession.

Let me suggest to the members that the insurance industry looks upon this as the right to get rid of lawyers, and in many cases lawyers protect the public from insurance companies. What we have now, I suggest to members, is Little Red Riding Hood dealing with the big bad wolf. I do not have to ask members who they think the insurance company is represented by, Little Red Riding Hood or the wolf, nor do I have

to ask members who the consumers of Ontario are represented by. But certainly this Liberal government is exposing the consumers of Ontario to a consumer sector that, by and large, has been viewed as ripping off the ordinary drivers of this province.

There are a variety of groups that will be negatively impacted by this legislation. I want to deal with them.

Union members: Unions are generally strong in this province and have negotiated substantial income replacement benefits and pension benefits. Those benefits, part of the workers' earned pay package, are deducted from the no-fault benefits. So union members lose as a result of this legislation. But not only union members lose; all workers lose. Because of the deductible, no one gets paid for the first week of disability. The person injured when his stopped car is run into from behind and who earns \$500 weekly has to bear that \$500 loss himself. On top of that, as long as he remains disabled and entitled to benefits, he only gets 80 per cent of his lost earnings. So he must bear that additional \$100 weekly loss himself.

High earners: High earners are hurt by this legislation. As the maximum payment is \$450 weekly, if the injured person earns \$700 a week, he will lose \$250 a week as long as he remains disabled. If when he buys his automobile insurance policy he has the foresight to buy additional coverage, that \$450 maximum can be raised so that he can reduce his loss. But no insurance company will sell him insurance to cover his full loss of earnings, and the additional coverage he buys will cost him an additional premium, thereby raising his cost of automobile insurance.

People covered by workers' compensation: Suppose the person run into from behind is a truck driver covered by workers' compensation. He gets nothing at all in no-fault benefits. He must take whatever he can get from workers' compensation and join the multitude of injured workers who regularly march on Queen's Park complaining of their treatment by the Workers' Compensation Board.

School teachers: School teachers and many others who have substantial sick-pay plans will lose as a result of this legislation. Sick pay has to be used up before the no-fault insurance pays anything. Suppose the injury keeps the teacher off work for six months. He uses up his six months' accumulated sick pay and gets nothing in no-fault benefits. If after he gets back to work he misses time because of the flu, a heart attack

or any one of many illnesses that we all must be concerned about, he has used up all his accumulated sick pay because of an accident that was someone else's fault and he gets no pay during his absence from work due to the sickness, whether it was flu, heart attack, etc.

1540

Is this fair? Is this a good consumer piece of legislation? Heck, no. Ask any teacher in this province. Teachers, whom this government has already alienated because of the manner in which it is dealing with their pensions, are going to be even more angry as a result of this particular legislation.

Small business people, self-employed: These people will also be affected by this legislation. Often a businessman will plow his profits back into the business and the income he takes out does not represent what he is building. If he is disabled from working, all he gets is 80 per cent of his gross weekly income. If it is a new business, he may have no income from it yet, in which case he gets nothing. As a result of his time away from work he may lose his business. He gets nothing for that.

If he gets any benefits, he gets them only until he is able to return to work. He gets nothing for the time, after his disability ends, that he has to spend rebuilding his business to what it was at the time of the accident. A businessman may be able to prove that he lost a substantial business deal because of his injuries; however, he gets no compensation for this. Is this good protection? Is this the way to encourage small business? Not at all.

Farmers lose out on this. Farmers will particularly suffer because they are self-employed people who seldom have much provable income. Their earnings are, to a very large extent, absorbed by the farm rather than going into their pockets. It will be very difficult for a disabled farmer to qualify for much of a weekly benefit, if any. If he has to hire someone to help with the chores, then no-fault coverage pays nothing for this. Is this good legislation? It is not good legislation.

Students will suffer. Students who lose their year as a result of an accident, students who may have to repeat a year as a result of an accident and who will lose a year of earnings as a result of an accident will not get any compensation.

Homemakers: Let's talk about homemakers because it affects literally hundreds of thousands, millions of people in this province. Like a student, a homemaker is entitled to a weekly benefit of \$185 only if as a result of her injury she

is unable to perform all or substantially all of her normal activities. Like a student, she will have to be virtually bedridden to qualify.

What about the homemaker who is unable to perform, say, half of her normal activities? This is not unusual. She gets nothing under the plan. If she has to hire someone to help her with the housework or with the children, she cannot claim that expense from anyone.

As we look at this legislation and examine how it affects different segments of the community, one after the other we see that this government is introducing a very bad consumer package. This government runs the risk of alienating, even more than it already has, very powerful sectors in our society: homemakers, teachers, small businessmen, all workers. Every one of these groups is negatively affected and impacted by this legislation.

I want to tell this government we are going to use this time to go out and preach the message of what it is doing, because we have to do this. It is our responsibility to do this because what the government is doing, I would say, constitutes shady business practice.

As a consumer critic, if I found an individual business operating the way this government is operating with this legislation, I would be standing up in the House and saying, "Why is the government allowing this business to get away with this kind of shady dealings?" How can a business go out and try to sell this kind of false advertising when in actual fact it is increasing the cost of the product and reducing the value of the product. Obviously we have to have legislation that takes care of those individuals and businesses that defraud and cheat and mislead the consumer. It is a sad day for Ontario when it is not some business or individual out there that is cheating and defrauding the consumers of Ontario, when it is in actual fact the government of Ontario which is at fault, it is the government of Ontario which is basically ripping off the consumers of Ontario.

So many people have to drive. A car is an essential part of many people's lifestyle. Going to work, getting groceries, visiting friends, distances have to be travelled. There are very few people, very few families that can get along without a car, and this government is selling them a package. I can promise members I am going back to the people of Cambridge and my colleagues are going to go out to their constituents. We are going to go out to the province and we are going to say to the people of the province, "Remember 7 September 1987."

Mr Cousens: What happened then?

Mr Farnan: We are going to point out that the Premier on that occasion made the promise that he had a very specific plan to reduce auto insurance premiums. We know the plan is now costing us 25 per cent more. We know that all of these sectors which I have enumerated, and demonstrated how they will be negatively impacted, are going to get an inferior product.

There are some issues that stick. Let me tell members there are times when governments can get away with issues, but I have a sneaking suspicion about this particular issue. I think this issue is going to come back to haunt this government. I think the people of Ontario are going to look at the kinds of donations that have been made by the auto insurance industry to the Liberal party, they are going to look at those donations and I can assure members I am going to help them to look at it because we are going to dig out that research and we are going to let people see what is happening.

The people of Ontario will see the direct correlation between the dollars poured into the Liberal Party and legislation that the Liberal Party then produces, about which the insurance companies say, "Boy, did we ever back a winner," and which the insurance companies are getting for a very small investment, I might remind members. The member for Brantford (Mr Neumann) will know; he received insurance companies' donations just like other members in the House, the member for Guelph (Mr Ferraro) and the member for Kitchener-Wilmot (Mr Sweeney), all of the members in the House who have received this kind of generous donation from the auto insurance industry.

Mr Callahan: On a point of order, Mr Speaker: I rise on section 23 of the standing orders and I suggest that the member is imputing improper motives to the members of this House. I suggest that is certainly not a very honourable thing to do.

The Deputy Speaker: The member may proceed.

Mr Farnan: I want to assure the member for Brampton South that the last thing I would want to do would be to impute motive to any individual member of the House. I have to leave it to the people of Ontario to decide what the motives of the Liberal government were in passing this legislation based on the perhaps accidental reality that this same government received extraordinary financial support from the insurance industry. Far be it from me to make that kind of accusation, but I believe the people of Ontario

are fairminded and the people of Ontario are also not going to be taken for granted and are not going to allow the facts to be swept under the carpet.

1550

This issue is a sleeper. I do hope that the government realizes in time that it has gone on a course that is unacceptable to the people of Ontario and I do want to assure the people of Ontario that the New Democratic Party will be faithful to them as consumers. We are not going to stand by as the Liberal government puts forward an inferior product at increased prices.

New Democrats have a plan for auto insurance. Our plan for auto insurance is the same after the election as it was before the election. We do not have to make promises on auto insurance that we will not keep. Not only do we have a plan, we have a plan that has been implemented and works; indeed it does in fact result in decreased auto insurance premiums for a superior product. That is a good deal, that is a consumer deal and that is a different deal than what the Liberals are offering the people of Ontario with this very inadequate, very poor legislation.

Mr Callahan: The member for Cambridge has read from what was very well researched for him obviously, but I doubt that he has ever dealt with the human situation where people have been in an accident, consider themselves not to be at fault, and because a charge is laid, any compensation whatsoever to look after their family is denied them. This plan would take that away. They would in fact get it, and the question of fault would not be of any importance.

I might also suggest that I had the privilege of travelling this province when we dealt with the bill that was being proposed by my good friend the member for St Catharines-Brock (Mr Dietsch), wherein they were espousing public auto insurance, and it seems pretty obvious that that had a detrimental effect on the existence of the Manitoba government. In fact, it resulted in a number of charges being laid because there was behind-the-scenes fixing of tickets in order to avoid increases that were imposed at the licence level.

Now if that is what my friend the member for Cambridge is suggesting we have as public auto insurance, then I think he is dreaming in Technicolor. But I say to him that the concern should be, and I think the concern is, that in fact people will be fairly dealt with when they have an accident, that in fact they will not be denied that coverage. They will not be required to wait lengthy periods of time to receive compensation

to look after their families. I think in a very real respect that is the important thing.

I wish the member for Cambridge and his colleagues would get off the public auto kick and perhaps consider this legislation and deal with it.

Ms Bryden: I just want to congratulate my colleague the member for Cambridge on the very fine way in which he has pointed out that Bill 68 is a sellout of the car drivers of Ontario. It will continue to leave them at the mercy of the insurance companies and I would submit, as he has submitted, that the only way to avoid that is to bring in a publicly operated auto insurance scheme, and that is what I and my party will continue to advocate.

Mr Cousens: What the honourable member for Cambridge referred to in his speech had to do with the use of the tort and the use of lawyers in order to protect someone from a problem they might be having. When I heard the member speaking very eloquently on this whole subject, he was speaking very much in favour of having the tort system in existence, and I wondered just how that position that he related fits in with the New Democratic Party policy about the use of lawyers within the whole insurance appeals system.

I just wondered whether the member was carving new territory on it or whether that was consistent with the general views held by the New Democratic Party, because as a party it has taken a pretty strong stand that would not involve the legal profession in any way, generally speaking. I would be very interested in some kind of clarification on the member's position there.

Mr Morin-Strom: I would like to congratulate my colleague the member for Cambridge on the excellent remarks he has made on this particular initiative from this government, which certainly does not have the interests of the drivers of the province of Ontario at heart at all in its plans.

The only advocate for the government's action in fact is the insurance industry in Ontario. They are the only beneficiaries of this program. Certainly the so-called product reform that has been announced by this government shows conclusively how insincere and manipulative the Premier and his government have been over the last two years when it comes to the issue of high car insurance premiums.

It also shows, as my colleague has just shown, what the industry has got in return for the more than \$230,000 it contributed to the Ontario Liberal Party in 1987 and 1988. The government's no-fault proposals will only put a smile on

the face of the insurance industry. Only a tiny fraction of claims will ever end up in court, while premiums continue to rise. Overall, the result will be less money paid out to accident victims, reduced costs to companies and bigger profits for the industry.

As my colleague has indicated, the key promise in the last election campaign was the Premier's statement three days before the election and his commitment, "We have a very specific plan to lower insurance rates." Time after time, we have seen, since this last government was elected, that no plan in fact exists. This government is not going to do anything to bring down the skyrocketing costs of insurance in the province. The only beneficiary of this action is the automobile insurance industry itself.

Mr Farnan: I want to just say a few words about perception, the perception of 1987. There are many Liberal members here in this House who owe their seats to the Premier. Basically, he went out and, with his sleeves rolled up and his shirt open and his tie pulled down, it was: "This is good old Dave. You can trust Dave. This is honest Dave. This is open Dave. You can tell Dave."

I want to tell the House that that perception of the Premier—you can dress him up in red, you can undo his shirt, you can roll up his sleeves, but no longer is it "honest Dave," because no longer will the people of Ontario believe what has been said and what is being said by this Premier. When a Premier says, "I have a very specific plan to reduce auto insurance," people understand what that means and they know that what the Premier said and what has happened are two different things.

On the one hand, premiums have continued to escalate; on the other hand, the product that is being offered is being reduced and cut and hacked until all that is left is a skeleton and shell. So come the next election, they can dress the Premier up in his red track suit, they can roll up his sleeves, they can undo his tie and they can try to sell him as "open Dave, honest Dave," but those days, my friends, are gone. They are gone because the people of Ontario do not believe we have a Premier that is being honest with them, and indeed on this issue, he has not been honest with them.

Mr Cousens: Before I begin, I would just question why the member for Cambridge did not answer my question. We have an opportunity to—whether or not he is in a position to—

The Deputy Speaker: Sorry.

Mr Cousens: That is too bad, because I would be interested.

1600

Mr Farnan: I would be happy to—

Mr Cousens: If there is unanimous consent we could have the honourable member—

Mr Neumann: We don't want to hear more of his rhetoric.

Mr Cousens: I would be pleased to see him answer the question that I asked if there is unanimous consent from the House.

Mr Kerrio: No way. You can't trust him.

Mr Cousens: Oh, that is too bad.

The Deputy Speaker: Since there is no unanimous consent, the member for Markham may proceed.

Mr Cousens: I was interested in seeing how the New Democratic Party members can explain themselves away from some of their positions. It would have given him a chance to dig a deeper hole for himself.

In reviewing Bill 68, I have a number of concerns I would like to table for consideration by the House. I have broken my presentation into 10 points and would therefore like to elaborate on them in order as I put them.

The first point I want to make is that the government has reneged on its promise of lower automobile insurance rates. In a moment of the election campaign of 1987—it must have been one of those weak moments when the Premier had an inspiration—but on 7 September at a campaign stop in Cambridge, the Premier said that he had “a very specific plan to lower insurance rates.”

He has never retracted that statement, nor has he disputed the fact that he has been quoted correctly in that statement, yet it is obvious to those of us today who are now looking at the legislation before this House now that the Premier did not have “a very specific plan to lower insurance rates.”

The fact of the matter is that he had no plan. The people of Ontario and the people who were listening and saw him using that as part of his platform planks gave him the authority to become Premier again, yet he has greatly disappointed everyone who will be affected by this very—I do not want to use any unparliamentary language—this statement that has not been proven by fact.

What has happened is that from 1 January 1988 to 17 April 1989, the rates for insurance

have risen by 16.6 per cent. They increased by 4.5 per cent on 1 January 1988. Six months later on 1 August 1988, they increased by another 4.5 per cent, and the rates for insurance for automobiles increased on 17 April 1989 by 7.6 per cent. All of this from a government which prides itself on slogans such as, “We did what we said we would do.”

The fact of the matter is that when we look at the speech from the throne back in 1987, the government then said:

“My government will protect Ontarians from unfair and arbitrary practices in the marketplace. In doing so, we will take steps to promote increased consumer awareness.

“We recently announced a comprehensive package of new auto insurance legislation. Among other provisions, the program will cap auto insurance premiums and establish a public review process under which insurance rates must be justified.”

I think the fact of the matter is that what they said then, they have had to retract and do again. There has been no building of trust between the people of Ontario and this government. What the government is now doing is coming in to establish yet another type of process by which it will be able to manage the insurance industry for the people of the province.

When the Premier said on 7 September 1987 that he had a specific plan to lower insurance rates, the people of Ontario, who were having a hard enough time paying their mortgages and making ends meet, really felt that this would be an opportunity to cap the cost on insurance. It is certainly a worry that everybody has had, that insurance costs continue to rise along with everything else. If we are going to have a Premier in this province who would suddenly put the lid on that, that would be something great for them.

What we are seeing is that those people are going to be even more disadvantaged by the legislation the government is coming out with. For instance, if people who are disabled have an accident and that accident incurs costs that have to be paid, they will have to pay those costs out of their own pocket under the existing legislation rather than having them paid for on an ongoing basis. They will have to accumulate those costs, pay them out of their own bank account and after they have all been tallied up, then they can submit them for payment.

What we are also seeing is those very same people who may well be making more than \$23,400 a year will only be paid at the rate of \$450 a week for any time they are disabled. They

are not going to be better off if there is an accident. I am going to come to some specific examples in my presentation that show how the average citizen in the province of Ontario is going to be severely disadvantaged by the legislation that is before us. That is my first point. The government has reneged on its promise to lower automobile insurance rates.

My second point is that the government's bungling of automobile insurance has cost the taxpayers dearly. There are two very extensive reports that were put together on this subject. I have one of them here, the report that was done in 1987, the Report of Inquiry into Motor Vehicle Accident Compensation in Ontario, by the Honourable Mr Justice Coulter A. Osborne.

That report alone cost the province in excess of \$1.4 million. There is a detailed statement, probably one of the best that has ever been put together in North America, on automobile insurance. The government has disregarded the recommendations in that report. We also have another report that was put together by the Slater commission, and that too has almost gone on a burner in which it is not even being considered.

The establishment of the Ontario Automobile Insurance Board has been another cost item that this government has expended money on. This exercise has cost the taxpayers of Ontario \$14 million in just under two years. Fourteen million for what? It is hard to know that we have had anything out of that board that is of any value, and now we are starting to see that, in regard to the promise that was made by the Premier of a specific plan, it still does not work out as much of a plan. In the meantime, he has spent an enormous amount of money and ignored the recommendations that have come from those areas.

The third point that I would like to make is that the government is planning to implement a threshold no-fault car insurance plan in Ontario despite very pointed criticism of this system in the Osborne report, which it commissioned. I would like to refer in part to the Osborne report. There are a number of recommendations in it. I have not had a chance to read every word in it, but I have been able to find a few quotations that the government should have been able to—

Mr Neumann: You are cherry-picking, in other words.

Mr Cousens: If the member wants me to read the whole thing, I can but I think it would take an awful lot of time of the Legislature to do it.

I would like to put on the record some of the comments that were made by Justice Coulter Osborne. On page 3 he says:

"I have concluded that aside from the provision of a modest degree of additional stability for automobile insurers, cost/premium decreases would be modest were we to proceed to threshold no-fault and those modest cost savings would be imported on the backs of over 90 per cent of injured Ontario motorists who now have the right to seek noneconomic compensation."

In other words, he starts off very strongly in his statement suggesting that the province not consider seriously the whole no-fault suggestion.

He goes on on page 4 to say, "Having looked at a great number of compensation systems, in the final analysis, it seems to me that while our system is far from perfect, Ontario should be an exporter, not an importer of compensation systems."

In fact, the kind of no-fault insurance that is being recommended in this legislation has been brought into some 17 different states in the United States. Two of those states have backed away from it because they have found that it really was not working, and though it received a great deal of publicity back in the 1970s as a way of solving the problem of automobile insurance, the fact of the matter is what we have in Ontario could be tweaked, modified, changed and improved, but to make the kind of changes that are being suggested by this government is certainly not in keeping with the reality of the analysis that was done by Justice Osborne.

He goes on and in his recommendation 120 specifically he says: "Threshold no-fault should be rejected because it is relatively inefficient and unnecessarily arbitrary. There will either be no or minimal savings on transaction costs in threshold no-fault."

1610

As we look at what is being considered for the province of Ontario, I think it is important for us to realize that the government is going ahead and doing what it wants to do without consideration of a very extensive report that was done on this subject, a report that came back with strong recommendations of other ways of solving the insurance dilemma the Premier made after making his big promise about having a solution. The fact of the matter is that Mr Justice Coulter Osborne's commission said, "Don't do it this way." Having one of the best commission reports we have ever had in this province, to just come along and disregard it is almost typical of the Peterson approach to running things.

I would like to go to my next point. My next point has to do with the fact that the government would have the public believe that lawyers are

driving up the cost of claims settlements. A lot of people falsely believe that lawyers are an important part of the cost that goes into the system, yet in Mr Justice Coulter Osborne's review—I am looking at page 363—he has in some detail the costs that go into claims and settlements for insurance. I would like to refer to his totals for 1985. What he does is point to the number of claims made, the actions commenced, the actions that were set down for trial, the number of trials that took place and the judgements that followed.

Many people are inclined to think that the insurance industry is one of the great big contributors to the coffers of the Law Society of Upper Canada. That is far from the case. What really happened here in 1985 was that 232,207 claims were made. Actions were commenced on only 16,842 of those. When you take it through to trial, 858 went to trial with only 711 judgements. We are talking about 1.6 per cent of the claims, so a very small proportion of the cost that has gone into automobile insurance has been the cost for legal services.

I think what we really have to understand in this House is that the government is coming along and saying, "Lawyers are a high part of the cost of claims settlements." The facts speak a different story: 1.6 per cent of the claims really required some kind of legal involvement. So why come along and remove that option?

My fifth point has to do with the narrow wording within the legislation itself of what the threshold will be. I believe, as does our caucus, that the narrow wording of the bill is going to lead to a large number of problems. In order to proceed with legal action a person must die, in which case the estate would benefit, or the person must sustain "permanent serious disfigurement" or "permanent serious impairment of an important bodily function caused by continuing injury which is physical in nature."

What I am really asking here of the Minister of Financial Institutions (Mr Elston) is that he is going to be leaving the interpretation up to the courts to interpret the uncertain language of what he has described as the threshold at which time someone can bring any kind of action following an incident. In other words, in his legislation, what is "permanent"? Is that going to be a disability that lasts one, two or 20 years? What is a "serious impairment"? By whose standards are we judging the seriousness of an accident, the victim, the courts or insurance companies? What is a "serious impairment"? What classifies as an "important bodily function"?

Medicine has long accepted that there may be more than a physical component to chronic pain. How is the term "physical" to be defined? The threshold as defined in the government legislation expressly prevents anyone suffering from psychological, mental or emotional injury from seeking legal redress. The government is telling the public that emotional trauma, psychological trauma and the emotional devastation caused by an automobile accident are no longer worthy of compensation under the new plan.

One of the groups that can testify to this problem is the Ontario Head Injury Association. That happens to be one of the most frequent injuries and disabilities. It creates all kinds of behavioural and psychological problems that can arise from that type of injury.

I have received a letter from Raymond Rempel of the Ontario Head Injury Association who says in his letter to me: "The Ontario Head Injury Association is an organization which represents a very high proportion of present and future users of third-party auto insurance. We are appalled at the restrictions that will preclude access for future head injury victims to insurance money. This action most definitely will restrict those people who sustain a head injury from recapturing the quality of life that they enjoyed before their accident."

I continue with the problems people will have with increased litigation. One case: I guess what we are seeing is that people who will be in an automobile accident will have to go and challenge what the threshold is. How are they going to settle the damages?

What we are talking about here is legislation that is still not clear. We might well be leaving it up to the interpretation of cabinet or someone else to determine just exactly what is meant by this bill and I do not want that. I would rather that we here in this House have a clear understanding of all the bill means to the people of Ontario.

We have to look at another factor, and it is my sixth point. The generous benefits of the new system are not as generous as the government would have us believe. The level of no-fault benefits contained in the present system of \$140 per week maximum for loss of income has not been adjusted since 1978. The Osborne report recommended increasing these benefits substantially. Now, with this bill, the government plans to increase maximum weekly payments for loss of income to \$450.

Had the benefits been increased immediately as Osborne had recommended, the amount the government is now offering would not seem so

generous. As well, the government has decided not to index the new level of benefits to inflation. The minister has promised to review the benefit levels periodically. Even with modest inflation, the real value of benefits could be cut in half over several years.

I mentioned this earlier: It has to do with who in the greater Toronto area can live on \$450 a week. There are many people who are coping on that and less, but if you are already on salary in your business and then you are disabled because of an accident and all you are able to bring in is \$450 a week, I venture to say that there are many people whose expenses for their mortgage, homes, education for their children, clothes, food and the high cost of living in large urban areas, not just in the greater Toronto area, is far in excess of \$450. They are going to suffer a heavy pecuniary hardship because of an accident.

This bill does nothing to recognize that not everybody will be able to survive on that \$450-a-week availability of funds. What we are suggesting here is that this is a flawed part of the legislation and that the government should review it and look at it with more flexibility in mind.

My seventh point is that there are no cost savings for consumers under the new system. I think we have to look at the fact that the eight per cent premium increase for drivers in urban areas is an average increase that urban drivers are going to face with this new legislation. Eight per cent across the board does not mean to say that another person who has had some kind of accident or some kind of record is not going to have a far greater increase than the eight per cent average. That is a fact.

Let's just look at the concern some people of our community have. I received a letter from Older Adults in Action in my community. They have sent me a letter signed by—it looks as if there are about 70 or 80 signatures on it.

They are saying "the Older Adults in Action of the town of Markham, would like to go on record as protesting the increase in automobile insurance rates for the senior population of Ontario.

"Our club, of approximately 250 members, was formed to give seniors in Markham the opportunity to meet and take part in activities which would increase their health both mentally and physically and to make their lives more agreeable socially."

They go on and explain some of their concerns.

They are a group of people genuinely concerned about increasing the cost of driving their cars because many of them have cars and can get around only with them. They are not able to pay a large increase in insurance premiums because they are on fixed incomes and their fixed incomes are not increasing at the rate everything else is.

The taxation level at the municipal level has increased in a significant way, largely because this province has passed on so many services at the municipal level, and then we start looking at this extra cost for car insurance.

I have another letter from a constituent who comes from Thornhill: "I have been a driver for over 20 years, and have now found out, that because of a relatively minor accident last August, for which I made a claim to my insurance company, this same insurance company may decide not to reinsure me. As well, I may have difficulty in being insured with other insurance companies. I find this preposterous."

That really leads me to my next point.

Mr D. R. Cooke: This bill will help that guy.

Mr Cousens: If the member thinks it is going to help, we will have to hear what he has to say when he gets up to speak in the Legislature or when he makes a presentation to the committee. I am satisfied that the people of Ontario will be paying more for their insurance premiums and receiving less coverage because of it.

What I just read was a point that leads to the eighth point of my presentation. That is the whole problem of cherry-picking. What the person from Thornhill was concerned about was that having had a minor accident, now she is having trouble even finding an insurance company that will cover her. I think the people of Ontario are wise enough to realize that the insurance companies are able to select who they are and why they are not going to write a policy for. What they are doing is writing those policies for those who present the lowest risk.

What is going to happen with this legislation is that it is going to spur this practice forward. Companies will be much more eager to insure those individuals whose employers provide income maintenance programs. In this way insurance companies would avoid the risk of paying out the \$450.

Although the Minister of Financial Institutions insists there will be no two-tiered system of risks, the figures speak for themselves. From 1 November 1988 to 31 July 1989 the number of people insured by the Facility Association, which is the insurer of last resort, increased by 103 per cent. Ontario premiums now represent

77.4 per cent of the association's nationwide business compared to 71.3 per cent a year earlier.

Insurance companies are going to be backing away from serving certain people. This legislation we are considering that is supposed to be the be-all and end-all certainly is not the total solution to it.

My ninth point is that innocent victims of car accidents will suffer under the new system. I have a few scenarios that I would like to put on the record.

The first is of a factory worker earning \$800 a week. He suffers a whiplash injury when his car is rear-ended. His neck injury prevents him from working for one year because of the heavy lifting and twisting involved in his job. Under present legislation, the present system, he would have received \$10,000 damages for pain and suffering, and damages for lost income at \$800 a week for 52 weeks which would amount to \$41,600, for a total of \$51,600.

What we see under the proposed system is that the damages for pain and suffering, injuries that do not meet the threshold definition of a serious accident, are zero. The damages for lost income are only \$450 a week, which is the maximum allowed under the proposed no-fault benefits plan, times 52 weeks which is \$23,400. This person then would receive \$23,400, a difference of \$28,200 less under the proposed plan.

That is one example of someone who will suffer under this new system. I think there could be an awful lot of people who will fall in that category.

I would like to give another illustration. Again, these are hypothetical, based on real facts and the kind of dilemma we are going to have with the system and under the proposed system.

A mother who witnesses her child being run over and killed goes into nervous shock and suffers a severe psychiatric illness as a result. The mother earns \$25,000 a year at her job but is off work for two years while undergoing therapy. Under the present system, the damages for pain and suffering, witnessing the child's death and suffering from the psychiatric illness, would give her \$40,000. Damages for lost income, in that she was making \$25,000 a year, for two years would be \$50,000, giving her under the present system \$90,000.

Under the proposed system, this system the government is so proud of, for damages for pain and suffering—the disability must be physical in nature—she gets nothing. For damages for lost income—the mother herself was not injured in the accident yet she was still sick—under this

proposed system she receives zero. The difference under this system and the system we have now is \$90,000.

There are other examples that point to the kinds of problems. Let me give members one more. A 12-year-old child is struck at a crosswalk and suffers a broken back. He is in the hospital for three months and misses his school year as a result. Under the present system he would get \$25,000 for damages for pain and suffering and he would get \$15,000 damages for delayed entry into the workforce because he is now one year behind in his schooling. That is \$40,000.

Under the proposed system, for damages for pain and suffering—the injuries do not meet the threshold definition—he would get nothing. For damages for delayed entry into the workforce, he would get nothing. The difference between what is now present and available and under the proposed plan is \$40,000. I just cannot see how the system that is being proposed by the government is better than the system we already have.

I have a letter—I have a number of letters from people who are saying this—from John Bates, president of People to Reduce Impaired Driving Everywhere, known as PRIDE. I would like to quote just one paragraph from his letter that substantiates even further the point I am trying to make. He says:

"The so-called threshold, as envisioned in the proposed no-fault system, will introduce a degree of uncertainty about who will be permitted to recover compensation through the courts. We do not know what the permanent disability means, for example. We fear that victim compensation could be severely limited."

I will just tell Mr Bates, if he is listening or reading this Hansard, that he is right. His compensation could be severely limited by this legislation.

The proposals that are being made by our caucus have called for a number of things. I think one of the important roles we have in opposition is to come forward with meaningful and realistic suggestions that can be used as an alternative plan, an alternative approach.

In presenting these, I would like to give a great deal of recognition to the member for Leeds-Grenville (Mr Runciman) who has been the spokesman for our party on this subject. I do not think many people in Ontario understand the limited resources we have in opposition. We have 17 members and each of us has a very specialized focus within our critic area. The

member for Leeds-Grenville has taken this issue very seriously, has researched it and studied it and spent hundreds of hours trying to get a hold on it and understand it as best he can.

Probably he is one of the most well-read and well-informed people on automobile insurance in Ontario. He is in demand across the province, speaking to people to try to hold up some kind of balance on this. I have to say that a great deal of appreciation is due to him for the excellent way in which he has given me and our caucus assistance. He has given the people of Ontario another view of how we could proceed with a good automobile insurance setup.

Many of the views that have been part of our party's presentation are as follows:

The first thing is to dissolve the costly cost-setting, rate-setting bureaucracy that exists now in Ontario. When you realize this bureaucracy has already cost over \$14 million, who knows how much computer equipment they have and everything else that has gone into it? Here we are in a province in which we are short of schools, short of roads and short of services of many kinds, and yet for the Premier's dream of that reduced-cost insurance he is plowing all kinds of money, some \$14 million or more if you include the cost of the reports; he is up over \$15 million. The clock is still ticking and the bank is still sending the money. We are saying, dissolve the costly rate-setting bureaucracy.

Second, establish a rate review system comparable to Alberta's. I did not realize it but the member for Leeds-Grenville was telling me that in Alberta they have a staff of eight people and there is a co-operative relationship that exists between the province of Alberta and the industry. So there is not the sense of bureaucratic decision-making that does things by edict, but instead there is a working through and a working together to help put together not a consensus but a proposal that will be acceptable and in the best interests of the people of Alberta.

1630

The third point we would make as a caucus is that there should be an insurance Ombudsman, and why not? Why not have one? It is not something you would want to put under the existing Ombudsman for the province. We are talking about a specialized area. I have people who have been caught up in accidents of different kinds; there are so many foolish things that can happen on the road.

A person who comes into the province of Ontario and does not have a legal driver's licence can be involved in an accident. My constituent

who was in a very serious accident caused by a person who did not even have a driver's licence for the province of Ontario ended up not being able to claim the cost because by the time they went to have it discussed with the insurance company the person had a licence and they said, "Well, you know, he could have had it beforehand."

There are so many areas in which, if you had some kind of clear thinking by an independent-minded individual who could take each issue, issue by issue, objectively and without any kind of prejudice on either side, come up with a balanced decision for it, I believe there is an awful lot of room for an insurance Ombudsman in the province of Ontario.

The fourth point we would suggest is that there be a wide-ranging tort reform measure. What we are really saying is that there can be limits to how much someone can claim for different kinds of accidents. I really do not want to get to the kind of meat chart we have had in the Workers' Compensation Board, but there is an opportunity here to find ways in which, if people are going to have a claim, there are some that come through and everyone would agree they are unreasonably large claims.

It has nothing to do with automobile insurance, but one case that comes to mind is where a thief fell through a skylight into a house and then claimed liability against the owner of the house for several million dollars because the skylight was not safe. It is the kind of thing where insurance companies suddenly realize they could be forced into having to pay settlements far in excess of what is reasonable.

What we really could do is determine by legislation and agree what is reasonable as to the extent one can claim for an accident or an incident. That could have been something that we did years ago and yet we have not done it. It is probably too easy. What government likes to do is get involved in it, and as it gets involved, I think it messes it up even more.

The next point that was made by our caucus is improved driver education in licensing. I do not think we can do enough to make sure that the roads are safe. I am chairman of our Ontario PC caucus task force on transportation and we are looking at a number of initiatives that can be taken to affect the transportation systems in the greater Toronto area. We are looking not only at the infrastructure that is needed but at lifestyle changes, and when we look at those lifestyle changes we might well be looking at having licensing as something where people are required

to have their licence reviewed every three or five years.

Just because you have a driver's licence you do not have it for life. It is a privilege and it is something you make sure you really have a respect for and be prepared to lose it if you are not prepared to understand the rules of the road or follow through on the way in which road rules are changing.

I have to say that the whole importance of improved driver education and licensing has to be an important issue. I am sure we could do an awful lot more to make our highways safer all around the province if drivers would learn to understand how to handle the snow when it comes, how to be a defensive driver, and how we can somehow make our cars so that they are better maintained and we are not just allowing them to go to the last bit, and if we are going to allow our cars to be in bad shape, then we have to take those cars off the road.

It is a privilege to drive. It is a privilege to use the roads. It is something that should not and cannot be abused.

I go to the next point, and that has to do with another thing that needs to be done. I think this will affect insurance rates and accident rates in a very positive way. That is to have stricter enforcement of highway and traffic laws. We have people dipping in and out of lanes of traffic. We have all kinds of accidents that are caused and then the persons who caused them just disappear. We have got to find a way of getting them. Maybe we have to bring in more technology so that if someone is doing something wrong and his licence has been photographed by an electronics sensor, then we are able to catch him for it and make him pay the penalty.

What we have to do is have a further examination of the choice no-fault system and this is a system which would allow consumers to choose the coverage they want. What we have to face up to is that here in Queen's Park at the Ontario Legislative Building we do not have all the answers. I think we are going to force some of those answers by having a public inquiry on the whole automobile insurance rate structure, on this legislation, where because our caucus has been instrumental in forcing the government to have those public hearings, those public hearings will start in the new year and we will have an opportunity to hear from the people at large and have a chance to study and analyse their thinking and suggestions.

I am worried that all we have said and all we have tried to do through our caucus's presenta-

tions, the leadership that has been given by my friend the member for Leeds-Grenville and the participation of all our members of caucus on this issue, will be for naught, because the fact of the matter is that the Premier of this province is still convinced he has that answer to the statement he made back on 7 September 1987 when he said, "I have a very specific plan to lower insurance rates." I am satisfied he did not have it then, he does not have it now and we in the province are the ones who are going to suffer because of it.

Now we will go through the process of reviewing this legislation and we will have a chance to study it. Do you know what I am afraid of, Mr Speaker? I am sure you do know. It is that nothing will be done because of it. The government will stonewall the presentations. It will be very similar to the decisions that were made by this government on Sunday shopping. They came along and had thousands of names on petitions, hundreds of thousands of names of people anxious to have this thing looked at and discussed in a balanced way. There have been bills that I have presented to the Attorney General (Mr Scott) and I have just been stonewalled.

I guess the people of Ontario elected a government that they thought had such a specific answer. I am telling them they did not have it when the government was elected in 1987 and they do not have it now. The likelihood of this government's revising, amending and changing this legislation so that it begins to reflect the needs of the people of Ontario is something I do not think will happen.

None the less, it is on the record. I have given my 10 points on why I am genuinely concerned with the direction this bill is going to take the government. I hope there is a chance that someone in the Office of the Premier will have some sense and will reconsider what they are trying to do to us now.

Mr Ferraro: I enjoyed listening to the comments of the member of the third party. Not that the Premier ever needs defence, but I have listened to the discussions going on and much has been made about his statement of 7 September 1987 when, in the great riding of Guelph, the Premier indicated he had a specific plan to lower insurance premiums. The opposition, both parties, and rightly so—I do not blame them, quite frankly—have said that really we have not lowered insurance premiums and that indeed the Premier did not tell the truth.

I understand that and I understand what they are saying. If I were in opposition, I would probably take that approach, but if that scenario

is a viable one, I say that in light of the fact that all members know that insurance premiums were rising tremendously and in light of the fact that the government as a result had specific plans and investigated the insurance industry, for one, with the insurance board—we have capped the insurance rate on three occasions and I think it is safe to say, having been involved in the discussions leading up to the Ontario motorist protection plan, that if we did not take this comprehensive approach to insurance, insurance premiums would rise 30 per cent to 35 per cent. I would like to think the members would agree that indeed insurance premiums would rise substantially.

I say this quite candidly to my friends opposite, if the scenario they are taking is a viable one from their perspective, then surely most reasonable minded individuals would say the scenario that we are projecting, whereby we are going to take a plan and allow insurance premiums to rise on average eight per cent and zero per cent in other areas, means the Premier did keep his word.

1640

Mr McLean: I want to comment briefly on the remarks of the member for Markham with regard to Bill 68, the insurance issue. I want to expand on that by saying that a bright new day for Ontario is coming shortly, and for the Progressive Conservative Party in Ontario, and that bright day is going to be when the members of my party on 12 May 1990 will be electing a new leader for the Progressive Conservative Party and, I have no hesitation in saying, the next Premier of Ontario.

When the Liberals became the government, they promised no walls and no barriers. That moment never happened and I do not expect it ever will. But when members of my party use a one-person, one-vote system on 12 May, there will truly be no walls and no barriers when they pick the man or woman of their choice to lead my party through the next decade.

People in the riding of Simcoe East who want more information about this bright new day, where we are going to solve a lot of the problems that have taken place today, and those who want a membership so they can participate in this unique membership democracy, can call Gilles Cinq-Mars in Penetanguishene at 549-8038 or Tom Garry at 484-0069, or they can write to the Simcoe East PC Association at PO Box 2401, Orillia, L3V 6V7. The cutoff date for new members is 19 March and I am sure everyone will want to purchase one.

The previous member's speech with regards to Bill 68 is just one of those items we will be rectifying when we come to power. I commend my colleague the member for Markham on those very excellent remarks that he made.

The Acting Speaker (Mr Breaugh): I do not want to interrupt the telethon. I just have to point out to the members that the standing orders do provide that this is the time for comments and questions. The standing orders are silent on whether you can do a 90-second telethon. I do not believe that was our intention and I would not like to see that become the practice.

Are there any further comments or questions? Do we have a further advertisement from the member for Markham?

Mr Cousens: I am sorry, there is no advertisement here. I see it as a statement that I would like to just make very clear. Leadership is something that is earned. It is something that the people of Ontario have given to the existing Premier, and the fact is that when the member for Guelph seems to try to escape the reality of the fact that the Premier made a commitment in September 1987 that he was going to reduce insurance rates and that he had a specific plan to do it, that in itself is a breach of trust.

It is a breach of trust of a very significant nature. He came along and made a promise. I guess that is something that becomes very standard with Liberal politics. The members opposite can say what they want before they get elected, and then when they are in office they can go and do whatever they want. That is not the way I see government running. It is not any wonder that people have a bad opinion of politicians.

What they want to do is have politicians they can trust, and then we end up having this kind of stuff going on. I say if you are going to make a statement before you get elected, you follow right through after you are elected. If the Premier is going to come along and make that kind of statement, he is not filled with integrity as he should be. He said he was going to add more hospital beds and he has cut down 2,000.

I am dealing specifically with the insurance industry. There is no doubt that there is a large gap between what the Premier said when he said he had a specific plan and what we are dealing with here today. He had no plan, and what we are dealing with is a real serious problem that is going to be on the backs of the small-income earner in Ontario who drives a car.

The fact is it is not doing them any favours, it is not doing us any favours and he is not doing

politicians any favours because he is giving politicians a bad name.

The Acting Speaker: I would just remind the members that earlier this afternoon the House agreed that at 4:45 we would begin windups and that there would be an allocation of time by the table officers of 20 minutes to each of the political parties.

It is now 4:45 and I am at the pleasure of the House as to how we would proceed. It is my understanding that the leader of the third party would begin the windups. Perhaps someone could help me.

Mr Sterling: I was informed by the whips that the time would be postponed until five o'clock and that it was to be divided at that time.

The Acting Speaker: You have the chair at a bit of an awkward moment here. The chair and the table officers are not mindful of visits that the whips have had to one another during the course of an afternoon and the best we can go by is an agreement reached by unanimous consent of the House earlier in the day.

That agreement would say that the windups start at 4:45 and that each of the parties gets an allocation of 20 minutes. I do not see that I have any choice, other than to abide by that agreement. If there is anyone who could assist me in the matter; I do not want to force anyone to speak.

Mr Morin-Strom: I would like to move that we have unanimous consent to divide the time starting at five o'clock to 5:45 and that we continue with the debate until five o'clock.

The Acting Speaker: I am going to have to confer here. We have a lot of unanimous consents this afternoon. I think it would be my judgement that if there is unanimous consent to set aside a motion that was put previously, that would be agreed. If the House concurs with that, then we can proceed to the motion by the member for Sault Ste. Marie seeking unanimous consent to begin the process at five o'clock and the allocation would be 15 minutes per party.

Agreed to.

Mr Morin-Strom: I appreciate the opportunity that the House has given me to be able to speak just in advance of the final speeches to be given by the leaders of the various parties or their representatives. This bill, Bill 68, is a vital initiative of this government which fulfils, I guess, what the government calls its Ontario motorist protection plan, but in fact it provides protection only for the insurance industry. It does

not provide any kind of protection whatsoever for drivers in the province of Ontario.

This legislation announced over the summer by the Liberal government in fact takes away the rights of drivers and their families to be able to recover damages in almost all cases if they are injured in a motor vehicle accident in Ontario. Only in extreme and limited cases where a driver or a passenger is catastrophically injured will he or she or the family be able to recover damages for injuries or for full loss of income.

Drivers in this province will be taking a very serious financial risk in riding in a motor vehicle on Ontario's roads, and even with the possible purchase of additional insurance at substantial cost they will still not be fully protected. Under the proposed plan, recovery in most cases will be limited as follows:

First, an injured victim will not get anything for pain or suffering;

Second, if you are an employee, you will be unable to recover your full loss of wages;

Third, if you are self-employed, you will be unable to recover loss of profit and losses associated with disruption of business. The driver in fact could lose his whole business and recover nothing;

Fourth, drivers will be unable to recover for many serious physical injuries, including broken bones, scarring, torn muscles and the pain and suffering that accompanies these and many other injuries;

Fifth, injured victims of car accidents will not be able to recover for any emotional or psychological injuries such as depression, shock or anxiety; and finally,

No matter what a victim may earn, the most that he or she can recover will be \$450 per week. Many will receive far less than that.

1650

This initiative, which is the latest saga in this government's attempt to do something about the mounting crisis facing automobile insurance, is another attempt at a stopgap measure. It does not address the fundamental issues, which are rates that are skyrocketing in the province of Ontario, where the insurance industry is making a record profit, where drivers are unable to afford to continue to operate their vehicles because of skyrocketing costs.

Auto insurance is compulsory in the province of Ontario. All drivers must have auto insurance. But we have a system which ensures that the beneficiary is the insurance industry. That private sector has a guaranteed source of income from all drivers in the province of Ontario and it

has the right to continue to increase its rates of insurance well out of the range of inflation. Year after year, we have seen premium increases from the insurance industry, approved by this government, which have compounded the problem.

This no-fault product reform announced by the Peterson Liberals shows just how insincere and manipulative the Premier and his government have been over the last several years when it comes to the issue of high insurance premiums. It certainly shows what the insurance industry has got in return for the some \$230,000 it contributed to the Liberals' election campaign in 1987, and then continuing contributions in 1988.

The government's no-fault proposals have put a big smile on the face of the industry. However, only a tiny fraction of the claims that are made will ever end up getting reasonable compensation, while premiums continue to increase. This bill provides subsidies to the insurance industry from private insurance plans, from employees' insurance plans with their employers and, as we heard illustrated earlier today, from the Workers' Compensation Board as well.

The government puts forward initiative after initiative to help subsidize the insurance industry. Programs in the government's announced Ontario motorist protection plan that are designed and intended to provide greater safety on the road, to reduce the level of accidents on our highways, to control speeding on the highways, to put more enforcement in place to see that the rules of the highways are enforced, in fact only benefit the insurance industry.

The government continues to approve increased insurance rates, in direct contradiction to the Premier's commitment during the last election campaign. On 7 September 1987, three days before the last election, the Premier said, "We have a very specific plan to lower insurance rates." Since that time, this government has done everything it can to disavow itself of that commitment and instead to funnel greater and greater revenues into the pockets of the insurance industry.

This government has attempted one solution after another to try to deal with the skyrocketing costs of auto insurance in the province of Ontario. It has become apparent to everyone that there is only one solution left, the solution that has proven successful in other provinces in our great country and one that this government continues quite deliberately to avoid. The only solution is one such as the three western provinces of Manitoba, Saskatchewan and British Columbia have put forward and have found so

successful in keeping rates substantially below those in the province of Ontario. That, of course, is a driver-owned public auto insurance plan.

An Ontario plan similar to one in one of those western provinces would provide substantial cost advantages for all aspects of auto insurance. It would reduce cost for the adjustment, appraisal and repair of vehicles. It would provide drive-in claim centres that would provide prompt settlement and speed up repairs.

Universal insurance coverage could also be obtained by linking the issuance of licence plates to public auto insurance. It has been compulsory to carry auto insurance in Ontario since 1980, but it is estimated that there are now over 200,000 motorists driving without any coverage at all. Driver-owned auto insurance is more efficient and more economical than private auto insurance. It can deliver better coverage, simpler administration and lower premiums.

Independent studies, as has been most recently illustrated by the Consumers' Association of Canada, have shown that the operating costs of public plans are about half those of private insurance systems. It is not fewer accidents or a rural economy or government subsidization that gives the people of the three western provinces a fair and affordable car insurance system, nor is it the greed of Ontario drivers that causes the problems here. Rather, it is the difference in the insurance systems.

This Liberal government is opposed to a driver auto insurance plan, and it has done everything possible to avoid looking seriously at the only option that could possibly fulfil the Premier's promise to lower insurance rates in the province of Ontario. The Liberals have done nothing to stop the rate gouging and the arrogance of the auto insurance companies. We in the New Democratic Party will continue to fight for an insurance system in Ontario that is fairer and cheaper. We have been told by thousands of drivers across the province of Ontario that the need here has never been greater.

This bill has to be defeated. This bill does not fulfil the Premier's promise to lower insurance premiums in the province of Ontario. We will be doing everything possible to give the public full access to the committee that will be dealing with this bill in the public hearings that will follow this second-reading debate.

The public has to be heard on this issue, because the public is not being served by this bill. I would ask that this bill be defeated today and that this government go back to the drawing-board and look clearly, fairly and honestly at the

only solution to the promise that the Premier made two years ago. This government has to look at the option of public auto insurance if we are going to have any opportunity at all in this province to deal with the escalating rates of insurance and provide drivers with a fair system of affordable auto insurance for all drivers in the province of Ontario.

The Acting Speaker: We are very near to five o'clock. Members will know that we have an agreement to begin the wrapup debates at five. I think we will call it five o'clock and begin with the member for Sarnia, the leader of the third party.

Mr Brandt: I am pleased to have an opportunity to participate in this debate, and I apologize to you, Mr Speaker, and to the House for the confusion that I may have inadvertently created earlier, knowing, as most of the members do, that I am not one to create confusion all that frequently in this House. I understood we were to begin at five o'clock, and I apologize that apparently I was scheduled to speak at quarter to five.

I think it is interesting that this debate has ended up exactly where the various studies that have been taken on this particular question have told us we should not be; namely, with a no-fault plan.

1700

When one looks, first, at the Osborne report, it very clearly stated in that report, as I recall from my reading of the document, that we are to avoid in Ontario any no-fault plan because it was unfair to good drivers, that they in fact would be penalized for a no-fault system that was being considered for Ontario as part of a whole agenda of other alternatives.

When we look, as well, at the Ontario Automobile Insurance Board, again, the recommendation was that we avoid no-fault insurance because it did not, as we have now seen since the time that the report has been brought forward by the minister, guarantee any lower rates for insurance. In fact, we have had substantially increased rates as a direct result of the proposal that has come in. That has occurred as a result of a number of things that I will address in some detail during the course of my brief remarks this afternoon.

Earlier today in this House, I had the opportunity to speak on the question of taxation in Ontario. I took some issue with the fact that the government of Ontario, when compared to every other provincial jurisdiction in the entire country, is raising taxes more quickly and at a faster rate

than any other province. That is not even a point of dispute any more, or a point of debate.

The average increase across the board for every other province in Canada is somewhere in the range of about 6.5 per cent, some perhaps slightly higher or slightly lower, but that is about the range, which is somewhat in keeping with the rate of inflation, slightly higher.

But what happens here in the province of Ontario, and I will relate this back to insurance in a moment, is that we have been looking at 10 per cent compounded annual increases over the course of the past four years. The honourable members opposite who form the government constantly suggest that, on one hand, we want to cut taxes; on the other hand, we want to increase the amount of money available for programs.

Well, in one fell swoop, as my colleagues are only all too well aware, there was \$143 million in tax breaks given to the large insurance corporations that will continue to provide insurance coverage for automobiles in this province. That was \$143 million that could have gone towards building additional school rooms, that could have gone towards the construction of additional hospital beds or constructed highways or a host of other priorities that are badly needed by the province.

What happened was really quite an unusual turn of events, because when one looks at why this came about, what resulted in the government making this giveaway to large insurance companies was basically that it got itself on the horns of an extremely complex and difficult dilemma.

When that started was back in April 1987, when the government, in order to take a political stance prior to an election which was going to come up in a few short months, in September of that same year, decided it was going to do what was popular for the public at that time, admittedly, and that was to freeze rates.

When they froze those rates—obviously, for every action there is a reaction, and the reaction was that with the pressure on rates to increase among these various insurance companies, they started very rapidly losing money. What happened then was that the government arbitrarily established, even though the recommendations were for a series of different numbers, in its own mind—completely in an arbitrary way, completely in a unilateral fashion—the rate that should be established in Ontario when an increase was going to be allowed.

Again, there were some problems that were created for the insurance industry. To buy themselves out of the dilemma that they them-

selves caused, in order to purchase their way out of this and not see it reflect directly in the rates, they went to the insurance companies and they said, "We're going to give you a \$143-million tax break." Probably when one looks at any number of tax concessions that have been made in this province over a long period of time, this is one of the most ambitious and costly programs that really has ever been perpetrated on the Ontario public, because effectively what the government was doing was subsidizing auto insurance rates through what I consider to be an inappropriate tax concession to these insurance companies.

With the program that is being proposed to us, is that the end of this entire cost? There is at least one economics professor who estimates the cost to be something in the range of \$650 million, because now instead of paying health costs or lost wages because of lost work, a driver who is involved in an accident, whether it is his or her fault, will have to use all of his or her sick credits before the insurance company will pay any benefits at all. In other words, there is another impediment placed in the path of someone who wants to collect legitimate costs as a result of an accident that occurs. Now they have to fall back, when it is available, on coverage they have paid for in a different fashion and they have to exhaust that coverage. Once having exhausted that coverage, then this new program that has been developed by the government of Ontario will kick into action and will effectively cover those individuals who have been subjected to an accident.

Why are we in this mess? I wonder if the members of the government party have asked themselves that question. Why is the public confused and angry and why are newspaper ads showing up in the major newspapers across this province now saying that the program being proposed is one that is fraught with a number of very serious shortcomings? We are in this mess in part because admittedly, and our party is one that looks at those economic realities very closely, insurance rates were rising very rapidly. In part as a result of the intervention of the official opposition and its position, which our party does not agree with, in terms of a completely government-operated scheme, it became a political issue that had to be addressed.

The best way to address it in April 1987 was to simply say, "Zap, you're frozen." Where did I get that quote from? I remember it from another politician at some earlier time. But they froze the insurance rates, as members will recall, in

somewhat the same fashion that a federal politician indicated that prices and wages would be frozen. That would not work, he stated, at that particular time, and I suggest to members that the freeze did not work in April 1987 either. So rates were rising rapidly and there was tremendous pressure in the system and there had to be a political response. That was frankly the kind of political response that was brought forward by the government of the day.

The second thing that happened, and the member for Guelph alluded to this in his most articulate address, which I heard earlier when I was watching the proceedings from my office, when he admitted openly before this forum as a member of the government party that the Premier on 7 September 1987 did in fact say that he had a specific plan to lower auto insurance rates. We take that to mean something other than what the Premier said on 7 September 1987, because now I guess he fulfils his commitment by lowering the rates from some artificial, arbitrary increase that is established in the mind of the government and anything less than 30 or 35 per cent is considered to be a bargain to the consuming public of Ontario.

The fact of the matter is that the Premier very clearly left the impression that he was going to lower auto insurance rates as they were on 7 September 1987, that this was the benchmark and that was the time frame within which he would lower those rates. Obviously the specific plan that he talked about was nothing more than a Keystone Kops kind of saga in that everybody in the government started to run around very quickly and try to find some way of getting a handle on this monster that they had created; namely, a way by which the government could respond to a very ill-thought-out statement by the Premier of this province. He had no way of lowering auto insurance rates. He knew that, but the Ontario public, when it voted for many of the members opposite, did not know that.

1710

So here we are at this particular point in the debate where we have some serious concerns about the way in which this plan has been structured. We really believe that there is a very good chance that people who are injured in auto accidents will not get adequate coverage as a result of the kind of threshold that has been arrived at by the government. It has been suggested by those in the insurance industry who are far more knowledgeable than I that some 95 per cent of the accidents will be covered under the no-fault system, but that will not cover at all

the very large and substantial number of people, many of whom will suffer from mental illness, mental problems as a result of the accident. This will be one of the most strict and one of the most limited and one of the most oppressive no-fault schemes that has been introduced anywhere in North America.

Of the other schemes that we have looked at, the Michigan scheme was one which this government took some time to review. The Michigan scheme is somewhere at the range of about 80 per cent to 85 per cent and the courts have made some determinations there which have given greater flexibility, if you will, to the courts and to the legal fraternity in that state in taking action where there is legitimate cause and reason to so do.

But our party has pressed—as has the official opposition, in fairness—to hold hearings on this matter, not only in Toronto but also across Ontario, because there are legitimate concerns. This is a multibillion-dollar industry. It is a required service. It is mandatory that every driver of the millions in this province carry insurance. They have no choice over that. It is the responsibility of the 130 of us in this House to make sure that we put forward a program, that we put forward an insurance scheme that will provide adequate benefits, adequate coverage and a fair and just system. As it stands before us now, we believe it is extremely flawed and frankly has a number of problems that have to be corrected. I suggest an amendment which we will bring forward during the course of those hearings would be to add mental injury as one of the ways in which the scheme could be fairer than the proposed scheme as it is before us at the moment.

We think it is quite a legitimate exercise, not a delaying tactic by the opposition but a very legitimate exercise, that we hear from the experts in the field. They have not seen this plan before. The hearings that took place before the Ontario Automobile Insurance Board, the discussions that have taken place up until this point in time have been in the abstract. They have talked only about what might be. We now have a specific proposition before us, a specific plan which people can address in a very direct, very specific way, and I think it is only reasonable and appropriate that the people of Ontario have a voice in how we structure this plan, that they have a voice in what we end up with to make sure that we get the best possible plan at the lowest-possible price to serve the interests of the citizens of this province.

Mr B. Rae: I am delighted to have the opportunity to participate in yet one more discussion on the question of automobile insurance. This is an issue that I have been discussing in this House for several years and it is one which, together with many of my colleagues, has been, I think, a test for us of the government's intentions and of the government's plans.

The bill which is before us and which we are now sending to committee is the latest in several instalments of the Liberal Party's response to the insurance crisis. It is a bill which does two things, and I want to talk about both of these aspects.

The first thing it does is to maintain the monopoly of the private sector insurance companies, of the private, profit insurance companies, on the provision of insurance for drivers. Not only does it maintain that monopoly, but it provides for an extensive subsidy of those insurance companies by other insurance companies, by workers who have negotiated collective agreements, by the Workers' Compensation Board, by taxpayers and by the government of Ontario. So we have this fivefold subsidy to these insurance companies, this gift of literally hundreds of millions of dollars which goes to the private profit insurance companies, and their monopoly is maintained and strengthened by this system.

I want to say to the government that it has created a system which combines the worst of all possible worlds. It is a system which should be utterly rejected by this House and which shows the utter absence of leadership on the part of the Liberal government when it comes to the question of car insurance. Let me put it this way: If the industry needs to be subsidized by workers who have signed collective agreements providing for their own disability plans and those plans have to be used up before people can qualify for no-fault benefits, if the system is subsidized by workers' compensation, as I demonstrated this afternoon, where the workers will lose rights to sue and at the same time money will be transferred from the Workers' Compensation Board that was previously paid for by the insurance companies, if it is subsidized by the taxpayers because the government has eliminated the tax on premiums, if it is subsidized by OHIP because of the money which is now going to be paid for out of health insurance that was previously paid for by the companies, I think we are entitled to ask this question.

This industry obviously cannot survive without extensive public support, support coming in

the form of subsidies from taxpayers, taxpayers' dollars, dollars from workers who have negotiated agreements and dollars coming out of all the workers' compensation system and OHIP. It is obvious: the private insurance industry is incapable of running insurance in Ontario. They have demonstrated it, and I do not think it is right or proper that the taxpayers of Ontario or the workers of Ontario should be handing money out of their pockets in order to go to the shareholders of the insurance companies. I think that is wrong. I think that is a transfer of wealth from the ordinary person and from average people to an upper-income group that is intolerable in our society. I do not want to see a system that transfers money out of the pockets of ordinary people into the pockets of the insurance companies and their shareholders. That is why we say, far better to have a public, driver-owned plan than this private, profit Liberal subsidized system which is being created by the Premier and his Liberal government.

We believe very profoundly that the system which is being created, still run by the private companies, is by its very nature an inefficient and unfair system. We think that when any hard-nosed person looks at the economics of this system, he will see that it is only able to survive because of the amount and the degree of the subsidy that is coming from the taxpayer. This is an example of corporate welfare bumism such as we have not seen in this House for ages and ages. The insurance companies are being given more handouts from this Liberal government, more wealth simply transferred to them from the pockets of people who drive and the pockets of people who at work have negotiated collective agreements. This industry cannot survive without a public handout. I am not going to stand by and let this government simply ram this thing through without giving the public a chance to see how ridiculous it is.

When we brought forward our plans in the last election for driver-owned insurance, what did the Liberal Party say, what did the insurance brokers say and what did the insurance companies say? They said to us, "Oh, you know, the only reason they have those rates in Saskatchewan or British Columbia is because they are subsidized."

1720

Let me tell members something. I would rather have a publicly supported public industry than a publicly supported private industry which is simply transferring that money over to shareholders. This is what we are seeing. We are seeing a system now where taxpayers are being

asked to subsidize the profits of the insurance companies. It is a rotten stinking scheme and should be exposed as such.

The insurance companies got exactly the deal from the Liberal Party that they asked for and wanted. Everybody in this room knows the backdrop to this question. The insurance companies talked to the government of Ontario and they were leaving in droves. Insurance companies were carrying out their economic blackmail over the last year. They carried out their process of blackmail and said, "If we don't get the rate structure we want, if we don't get the plan we want, if we don't get the system we want, we won't write the insurance in Ontario, we'll leave."

So the Liberals said: "What kind of a system do you want? Tell us what it is." The insurance companies told them and that is exactly what the Liberals produced. How else would members explain the amount of public money that is being transferred to the insurance companies? How else would members explain the fact that the system of no-fault benefits, which is set out in a separate schedule, is restrictive, offensive, allows fewer benefits to people who are really sick than they would even get under workers' compensation and limits the amount of money to people who need institutional care or permanent care to \$1,500 a month, when we all know that that is a recipe for permanent institutionalization of those people? Even the Supreme Court of Canada has said that the money which is paid out for somebody who is permanently disabled cannot just provide for what it would cost to put somebody in an institution, but should also provide for how much it costs to care for somebody at home.

The no-fault benefits that are provided under this plan are a scandal. They are scandalously low. They are designed to create poverty and hardship among people who are affected by accidents. I can tell the minister that when he hears from the disabled rights groups across this province, when he hears from people who have experience of what it really costs to live with a permanent disability, he will be embarrassed and ashamed of the plan that he has proposed, because it is a plan which is offensive to anybody who believes that people who are injured or who are hurt deserve to be compensated in a way that allows them to live with dignity.

I say to the minister that when he looks at that schedule, it is a schedule which can only be described as profoundly offensive. The insurance companies must have written this. It must

be the bill which the insurance companies wanted, which they have been crying for desperately. It is exactly on the lines of what the insurance companies proposed before the last election. It is precisely the plan they want because it allows them to run the plans, it allows them to control the plans, and it allows them to limit the amount that they have to pay out when it comes to people getting sick.

I think there can be no other explanation for what the Liberal government has done when one considers as well the question of the limitation on the rights of people with respect to their legal rights. How else do we explain the fact that the words that are used in the act, in terms of what it takes to be able to seek a remedy in the courts, are "permanent serious disfigurement" or "permanent serious impairment of an important bodily function caused by a continuing injury which is physical in nature," when we know that that is precisely the wording that the insurance companies asked for?

We know as well that it is language that even the Honourable Mr Justice Osborne said was too restrictive. Even in Michigan they said it is too restrictive; even in the United States they say it is too restrictive.

We also know—and I say to the minister I cannot understand how in 1989 going into 1990, it would be possible for the Liberal Party to ignore—the traumatic effect that accidents have on people's lives, on people's emotions, on people's psyches. Basically he is going back to the brutal sort of meat chart philosophy of days long gone by when it comes to assessing what it means to have a disability.

I say with great feeling to the minister, if he talks to anybody who has been affected by an injury or an accident, and I know he has because of the work that he has done as a lawyer and because of the work that he has done in his constituency, he will appreciate that the major impact that even the pain itself causes is often emotional in nature. He will also know that there are people who can be traumatized for life from driving, traumatized for life from going outside or from carrying on ordinarily, people who can lose several years of their ability to carry on, to have a job and to raise a family and to carry on with their social life, because of the impact of an accident. This is not simply lawyers' talk; this is what happens to people.

I want to say to the minister that any system which does not provide for those people is not a true insurance system. It is not a true insurance system for people; it is a system which ensures

the profits of the insurance companies, but that is all it does. This is a makeshift plan. This is a put-together plan. This is a plan written by the insurance companies that went into the Premier's office and said, "If you don't give us the bill we want, we won't write business in Ontario and then what will you do?" We already know that the Liberal Party has run the last three years saying, "There's no way we're going to introduce a public plan."

I can tell you what Bob Rae would say when the insurance companies come into the Premier's office and they say, "If you don't do what we want, we're going to get out of Ontario," I would say: "Good riddance to you, my friends, goodbye. We'll run the plan ourselves." That is the truth, the simple truth.

Companies in Manitoba and in Saskatchewan and in British Columbia have tried. They have tried to make that argument to the people in Manitoba, in Saskatchewan and in BC, and that is what they said. What happened? The governments in those provinces turned around and had the courage to take on the industry, had the courage to say, "We are going to provide a service."

This is a horse invented by a committee. It has several humps and bumps, all of which are intended to provide for one industry alone and for one interest alone, and that is the interest of the private insurance companies in this province: not the interest of drivers, not the interest of people affected by accidents, not the interest of those families who have been devastated by accidents, but the interest of one industry alone, the private profit insurance industry.

I do not think there is anything that has revealed the true nature of the Liberal Party more clearly than its attitude to this question of insurance and how it has handled that. The Liberal Party has had four years to deal with the insurance crisis. They have diddled and they have dithered, they have dallied and they have waited. They have talked to the insurance companies, they have listened to the insurance brokers and they have bought this system designed by the insurance industry for the insurance industry. They have resisted every serious, sensible proposal by us to say, "Look, let's create a fairer system, a better system."

Finally, Mr Speaker, I want to say to you that I do not believe that this is the end of this issue at all. Together with my colleagues, I am convinced that we have to have a look at the whole question of disability in a new way. I find it hard to understand why it is that this government has

taken this long to introduce a plan for a universal sickness and accident disability scheme that would provide for all those people affected by accidents and injuries, whether they are on the job, whether they are at work, whether they are on the road, whatever form they may take: a universal plan, a sensible plan that would cover all the citizens of Ontario. That is the kind of plan we need, not this scheme written by the insurance companies for the insurance companies, but a plan that is written by the people and for the people.

1730

Hon Mr Elston: I have agreed from time to time with some of the presentations in front of the Legislative Assembly from some of the members on the opposite side. I agree even today with some of the things that have been said by the member for York South (Mr B. Rae) and the member for Sarnia.

The member for Sarnia has talked about cost as a big issue, the member for York South has talked about cost as a big issue, the fact that the drivers of this province have no choice. If they are to drive in this province, they must have insurance and it is up to the Legislative Assembly and the government of this province to ensure that they have a product which is both available and affordable; that the product which is available provides them with timely and adequate benefits to ensure that they can go through those very traumatic times when accidents claim their active stages of life, so that they can recuperate without fear of loss of their homes or businesses, so that they can proceed to get back to work, to get back to their families, to get back to the style of enjoyment of life that we all work so hard and diligently in this Legislative Assembly to ensure.

There is no question that I will disagree strongly with the member for York South when he talks about this being a plan that is written for the insurance companies, because it is not true. This company that he keeps over there with his group of philosophical buddies, who want to run every piece of business in the province under the aegis of a Socialist government, is well known to us, but it has nothing to lend to us who believe in the ability of the individual to carry on business in this province in a way which benefits the broader public whom we represent.

We know about the policies of which the New Democratic Party no longer speaks, the ones that talk about nationalizing financial institutions, that talk about nationalizing mining companies, that talk about nationalizing resource industries.

We know about that. They do not talk about it any more. There was a time, for instance, when the member for York South refused to say the S word. He does not say that very often any more. In fact, it is hard for him to say he is a socialist, because he knows the people of Ontario want to have responsible government, not Socialist government.

What we have done is that this government has intervened in the private sector in a way which will ensure a very strong regulatory presence in this province, to ensure that the private sector delivers a product in a timely and effective manner, so that injured victims are not left wanting when they are in need most. That is the situation whether an accident is caused by the individual who is driving or whether the accident has been caused by someone else.

There is genuine need for the body to be healed, genuine need for the support that is required for families in this province to be attended to without having to go through an adversarial system which ensures one thing, delay; time consumed away from the activity of rehabilitation of that individual so that he or she can get back to a productive life, to a happy life, to a satisfying life.

Yes, we have put in place a proposal which is an Ontario-manufactured plan. It reflects what is in fact the situation in Ontario, that we have a medical system, unlike Michigan or New York or any of the other American states to which the New Democrats, always espousing some kind of Canadian nationalism, have quickly come to turn to for their sustenance when it comes to opposition to our plan.

They hold high Ralph Nader, that great American, to say, "This is not a good Canadian plan," while they refuse to acknowledge the interventions of someone like Phil Edmonston from the Consumers' Association of Canada who says, "This plan should be pure no-fault." I will even acknowledge much further that Mr Edmonston says this should be public, but he says: "For one thing, I disagree with Ralph Nader. We should have a pure no-fault system and we should have a Canadian system." I agree with Mr Edmonston, with the exception of his reliance on the public sector.

Interjections.

The Deputy Speaker: Order, please.

Hon Mr Elston: I can tell that my friends in the NDP are having some problems. They do not like to be told that they are going to the United States to import their opposition. They do not like to be told that when they look at our great

system in Canada, which provides for us the medical care and support through taxpayer dollars, that they would like to see that thrown away as well. They do not want to indicate that they, along with others, have advocated no-fault systems before, but when it is convenient, in the moment of need for political support they quickly abandon their desire to go to no-fault systems. They quickly abandon it so that they can protect the few while abandoning the broad coverage of the public in this province.

We have a program here that will support those people when they are injured. It is not a program that is designed to make people wealthy. That is not what insurance is about. It is designed to sustain people so that they can recover, so that they can get better. It is a system that is designed to provide some care and compassion, and yes, we agree with the member for York South when he says the insurance industry has not always delivered no-fault benefits well.

In fact, we have a tough regulatory model incorporated in this bill that will ensure they will deliver those benefits in a timely and effective manner. We have gone much farther than that. We have indicated that where there are serious and permanent injuries, where there are problems sustained beyond the normal level of minor accidents that we see on a day-to-day basis in this province, they will have access to the courts so that the judges and lawyers in that system can put forward the evidentiary material required to prove loss, to show that there is damage beyond what is compensated under the no-fault benefits, that there is a continuing problem from which these people will have difficulty recovering and therefore enjoying life to the full. We have that in this bill.

I want to agree with those people who say cost is an important feature. They say the benefits are miserly; at least that is the allegation. Let me put it in this context: For those people who earn small amounts of money, I find it is totally unacceptable that someone who will never receive \$1,000 a week will be forced to buy a policy that would provide benefits at \$1,000 a week. I will not have those people who do not earn large amounts of money subsidizing those large wage earners. That is not fair.

This system is a proposal where people will have an affordable product, but they will have something much more than that. They will have the ability to buy coverage that suits their particular economic structure. It is a requirement that each individual examine his or her needs to ensure that he or she has the correct amount of

insurance coverage, not the amount that somebody determines he or she will have, some Socialist government run by the member for York South. In the Liberal Party we believe in the ability of the individual to make decisions in his or her own benefit, to determine the appropriate choices for him or her and for him or her alone.

We have also provided the access to the courts these people talk about as being so critical. We have allowed a threshold system to exist so that we can determine that there are special needs that must be met. Yes, I fully acknowledge that costs will fall from this system because we will not need as much litigation in the system, and I will say that this system balances the issue of affordability with the issue of cost.

Mr Farnan: I have a point of order, Mr Speaker.

The Deputy Speaker: To which standing order do you have a point of order?

Mr Farnan: I depend upon your excellent knowledge of the rules to point it out. The minister referred to the coming Socialist government. I would remind him that it is the coming Social Democratic government of Ontario.

The Deputy Speaker: That is not a point of order.

1740

Hon Mr Elston: The issue is cost. It is a big item for people who have to buy insurance. The member for Welland-Thorold has very strongly held views and I respect him for that. The member for York South likewise has strongly held views and I respect him for those. But I cannot stand here and say that I agree with their tactics, which are to delay in a way that is designed to frustrate the savings in the system this new program will provide for the drivers of Ontario.

I will not stand by and let them try to wreck this program so that it will play into their hands to create their great public socialist system. I will not stand by and let them delay the savings in the system and the fairness and balance that is included in this system, designed to protect the drivers of Ontario, put together by the Legislative Assembly of Ontario and the government of Ontario for the benefit of the people of Ontario.

As they call upon their great icons from the United States to come and intervene on their behalf to say how un-Canadian this is, we will see the true value of the New Democrats.

I want to turn now for a second to the member for Sarnia who made some interventions of worthwhile note, misguided as they might be in

his understanding of the act and its content. He is sincere about including in the program various other parts of assistance that he believes it would be important for us to consider. We will consider them in committee. We will have the hearings, as people have suggested we have.

The one thing we have to be very aware of is that every time the opposition comes into this place, it demands we spend more. The member for Sarnia spoke at length about how the money that is now saved for the people of Ontario, the three per cent tax that was a pass-through by the industry to the drivers, could be better spent on building schools or building something else, and we agree that there is always a better use for money in accordance with their wishes. They wish to spend more. What does he do in the next statement he makes? He says that we should have a bigger plan, that we should have a much more costly plan, that we should add parts to this plan that would put it beyond the realm of the individual to afford it.

As we get the proposals coming in to the committee, and as they come to the House and come to us, we will be providing some questions about the cost to those people who are putting them forward. We will delve into the issue of cost of each of the components they are proposing because those people, those opposition people, are as aware as members as we are that cost is a very big concern for seniors who are on fixed income, that young people are concerned about cost and that others are concerned about the cost of this system.

Yes, we are concerned about fairness. This is a balanced approach. It is designed to provide the support required for those people who have minor injuries, acknowledging that seriously injured people require extra assistance, and that is provided.

We go much further beyond this bill. This bill is merely one part to a much broader and comprehensive strategy that the member for London North was actually pooh-poohing. She does not think it is worth while to reduce accidents in the way we are proceeding. She has not said that she likes the idea of building safer and better highways.

We have the programs in place to reduce accidents by enforcing the speed limit, by higher fines, by ensuring that impaired drivers who are convicted on occasion do not receive their licences back until they have passed the rehabilitation program successfully. We have bad drivers who will be singled out for treatment,

with higher premiums. The good drivers will get the benefit of the lower premiums.

There will be those people who will try to withdraw from a full discussion of all the factors and good parts of this program. They will only give a little bit of information about the various prospects of people to recover. They will always try to define it away from a balanced coverage approach such as this one gives. They will, as opposition members, detract from it ad nauseam.

The NDP members are already on record saying they want to frustrate the delivery of insurance products through the private sector at all costs. They will fight to the last person, I think somebody said to me at one point, and they may very well do that.

I want to say that we require the support of the Legislative Assembly on second reading, the passage in principle of this bill, so that we can proceed to deal with it in committee and come back here to fine-tune the proposals so that we can put in place a balanced and good approach for the people of Ontario.

1756

The House divided on Mr Elston's motion for second reading of Bill 68, which was agreed to on the following vote:

Ayes

Adams, Ballinger, Beer, Black, Bossy, Brown, Callahan, Campbell, Caplan, Chiarelli, Cleary, Collins, Conway, Cooke, D. R., Cordiano, Daigeler, Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Fontaine, Fulton, Grandmaître, Haggerty, Hart, Henderson, Hošek, Kanter, Kerrio, Keyes, Kozyra, Kwinter, LeBourdais, Leone, Lipsett, Lupusella, MacDonald, Mahoney, Mancini, Matrundola, McClelland, McGuigan, McGuinty, McLeod, Mielash, Miller, Morin;

Neumann, Nicholas, Nixon, J. B., Nixon, R. F., O'Neil, H., O'Neill, Y., Oddie Munro, Owen, Patten, Pelissero, Peterson, Phillips, G., Polsinelli, Poole, Ramsay, Ray, M. C., Reycraft, Riddell, Roberts, Ruprecht, Smith, D. W., Smith, E. J., South, Sweeney, Tatham, Velshi, Ward, Wilson, Wrye.

Nays

Allen, Brandt, Bryden, Charlton, Cooke, D. S., Cousens, Eves, Farnan, Grier, Hampton, Jackson, Johnson, J. M., Kormos, Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, E., Pollock,

Pope, Pouliot, Rae, B., Reville, Runciman,
Sterling, Villeneuve, Wildman, Wiseman.

Ayes 81; nays 31.

Bill ordered for standing committee on general
government.

The House adjourned at 1801.

INTERIM ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

320 to 322. Mr Sterling—Hon Mr Kwinter:

Final responses will be forthcoming on or about
31 January 1990.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Orillia L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaître, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrundola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month. .

CONTENTS

Tuesday 5 December 1989

Members' statements		Advocacy and guardianship	4478
Developmentally disabled	4469	Mrs Cunningham	
Mr Farnan		Mr Scott	
National Safe Driving Week	4469	Cultural organizations	4479
Mr Villeneuve		Mr Owen	
Food banks	4469	Ms Hart	
Mr Faubert		Rouge Valley	4479
Automobile insurance	4470	Mrs Grier	
Mr Laughren		Mr Bradley	
Developmentally disabled	4470	Long-term care	4480
Mrs Cunningham		Mr Eves	
Christmas fund broadcast	4470	Mrs Caplan	
Mr Lipsett		Vehicle emissions	4481
Automobile insurance	4470	Mr Faubert	
Mr Hampton		Mr Bradley	
Penetanguishene Mental Health		Northern health services	4481
Centre	4471	Mr Pouliot	
Mr McLean		Mrs Caplan	
Community land trusts	4471	Lengths of trucks and trailers	4482
Mr Tatham		Mr Wiseman	
		Mr Wrye	
Statement by the ministry		Report by committee	
Unclaimed property	4471	Standing committee on social develop-	
Mr R. F. Nixon		ment	4482
Response		Mrs O'Neill	
Unclaimed property	4472	Agreed to	4483
Mr Laughren		First readings	
Oral questions		Unclaimed Intangible Property Act,	
Automobile insurance	4472	1989, Bill 86	4483
Mr B. Rae		Mr R. F. Nixon	
Mr Elston		Agreed to	4483
Employment adjustment	4473	Education Amendment Act, 1989,	
Mr B. Rae		Bill 87	4483
Mr Phillips		Mrs Cunningham	
Taxation	4475	Agreed to	4483
Mr Brandt		Ontario Mortgage Brokers Associa-	
Mr R. F. Nixon		tion Act, 1989, Bill Pr46	4483
Health insurance	4476	Mr M. C. Ray	
Mr Brandt		Agreed to	4483
Mrs Caplan		Alarm Systems Act, 1989, Bill 88	4483
Forest management	4477	Mr McLean	
Mr Wildman		Agreed to	4483
Mrs McLeod		Labour Relations Amendment Act,	
		1989, Bill 89	4483
		Mr Mackenzie	
		Agreed to	4483

Second reading		Mr McLean	4500
Insurance Statute Law Amendment		Mr Brandt	4503
Act, 1989, Bill 68	4483	Mr B. Rae	4505
Mrs Cunningham	4484	Mr Elston	4508
Mr Kormos	4485	Agreed to	4510
Mr J. M. Johnson	4486	Answers to questions in Orders and Notices	
Mr J. B. Nixon	4486	Interim answers, questions 320 to 322 .	
Mr Sterling	4486	4512	
Mr Farnan	4487	Other business	
Mr Callahan	4491	Adjournment	
Ms Bryden	4492	4511	
Mr Cousens	4492	Alphabetical list of members	
Mr Morin-Strom	4492	4513	
Mr Ferraro	4499		

TABLE DES MATIÈRES

Le mardi 5 decembre 1989

Rapport émanant d'un comité parlementaire	
Comité permanent des affaires sociales	4482
Mme O'Neill	
Adoption du rapport	4483



No. 80

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Second Session, 34th Parliament
Wednesday 6 December 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 6 December 1989

The House met at 1330.

Prayers.

VISITOR

The Speaker: Just before I call for members' statements, I would like to advise members that we have in the lower east gallery Donald Baxter, who was a member of this Legislature from the Prince Edward-Lennox area about four decades ago. Welcome.

MEMBERS' STATEMENTS

LITHOTRIPTERS

Mr Allen: Hamiltonians, like all Ontarians outside Metro Toronto, have to go elsewhere for kidney stone treatment with a lithotripter, an ultrasonic device that breaks up stones without surgery, even though there has been a lithotripter sitting idle in a warehouse in Hamilton for months.

With long waiting lists at Ontario's only lithotripsy service in Toronto, OHIP pays almost double for patients sent to other centres like Buffalo. Earlier this year, two Hamilton specialists purchased a lithotripter to service the west-central area only to be halted by a ministry ruling that it would approve only one machine for the southwest and would state where it would be, whether in Hamilton or in London.

The deadline for submissions was 28 July. Since then, silence. What is the minister waiting for? Right now the Americans have an oversupply of lithotripters; we are in short supply, but the minister seems afflicted with an oversupply of caution.

The two Hamilton doctors have offered her a further option, a mobile service that could serve various points south and west of Metro, with equal access based on need. Over 5,000 kidney stone patients in Ontario annually can benefit from lithotripsy. Toronto can only serve about 1,100 patients comfortably.

When is the minister going to authorize not just one but three more lithotripters for the province? With the US market in oversupply, it should be possible to pick up the machines at a reduced price. Hamiltonians have nothing

against Buffalo, but it makes no sense to inconvenience the ill at double the cost.

LENGTHS OF TRUCKS AND TRAILERS

Mr Jackson: I rise to comment on yet another broken Liberal election promise. The recent announcement by the Minister of Transportation (Mr Wrye) to allow an increase in the length of trucks and tractor-trailers to 53 feet seriously contradicts the government's stated intentions for highway safety. The minister has failed to listen to the Canadian Automobile Association, which told him about how longer trucks endanger and intimidate motorists.

Burlington motorists are telling me that they feel betrayed by this Liberal government's announcement. Burlington motorists are saying this will only increase the rate of traffic accidents and fatalities on our highways by increasing the risk of what is known as vehicle underride during rear-end collisions.

This will result in increased traffic snarls and slowdowns, which they contend with on a daily basis. This means greater carbon monoxide emissions into the air as well as larger fuel consumption and this will result in increased road maintenance costs.

Longer trucks do not mean fewer trucks in Ontario; they mean more problems and greater risks.

Five new taxes were specifically imposed on motorists by the recent Liberal budget. Burlingtonians also pay the greater-Toronto-area tax grab. In return, those same motorists are having their personal safety compromised by this government.

Enhanced safety on our roadways can surely be the minimum that motorists can expect from the Minister of Transportation. What has happened instead is that this Liberal government's handling of highway safety is now, like its taxation practices, out of control.

FIRE PREVENTION WEEK

Miss Nicholas: Earlier this session the Solicitor General (Mr Offer) informed members of the Legislature about the 67th anniversary of Fire Prevention Week in Ontario.

Each year Fire Prevention Week provides the opportunity to formally recognize those who demonstrate outstanding achievement in fire prevention and fire safety.

This year eight awards have been given out by the Ministry of the Solicitor General. In the organization category this year's winners are the Ottawa Fire Department, the Whitby Fire Department, the Leeds and Grenville County Board of Education and the Lambton Shrine Club.

Representing these organizations are: Robert Crothers, chief inspector of the Ottawa Fire Prevention Bureau; Chief Ed Crouch, Whitby Fire Department; Dianne Phillips, curriculum consultant, Leeds and Grenville County Board of Education; Donald Burnard, chairman of public relations for the Lambton Shrine Club.

Awards for individual achievement have been presented to Connie Chudyk of the Hamilton Fire Department and David Guilbault of the Ottawa Fire Department.

Our youth award winners this year are David Timeriski and Hillory Vance, both of Elliot Lake.

I have been informed that these recipients are present in the members' gallery and I know that all members will want to extend their appreciation to each of these distinguished recipients.

DORA DE PÉDERY-HUNT

Mr Philip: Since the Legislature will not be in session in January, I would like to take this opportunity to inform the House and the members of the public who are watching of an important artistic event which will occur.

Starting in 1990, all of Canada's coins will bear a new effigy of Her Majesty Queen Elizabeth II. With pride, I would like to point out that the new effigy, which was recently approved by Buckingham Palace, is the first ever designed by a Canadian for use on Canadian coins.

The effigy was designed by an Ontario artist and sculptor, Hungarian-born Dora de Péderý-Hunt. Dora de Péderý-Hunt immigrated from Hungary in 1948. It is safe to say that before Dora de Péderý-Hunt arrived in Canada commemorative medals were very conventional. She can be credited with playing a major role in transforming this situation.

The quality of her work is such that it has merited being acquired by major museums and galleries in North America and Europe. Dora de Péderý-Hunt's genius lies in the fact that she can achieve a true likeness of her subject while at the same time capturing his or her character.

Next year, when we look at the new coins, we can be grateful that this gracious and talented artist chose Canada as her home. I ask all members to join with me and members of the Hungarian-Canadian community in saying how proud we are of our Canadian artist, sculptor and medallist, Dora de Péderý-Hunt.

DOCTORS' FEES

Mr J. M. Johnson: Dr Peter Vaughan, president of the Wellington County Medical Society, has asked me as its representative to bring to the attention of this Legislature some very serious concerns the association has with this Liberal government. I will quote from Dr Vaughan's letter:

"Dear Mr Johnson:

"The membership of the Wellington County Medical Society has asked that I write you to express our extreme frustration with the lack of meaningful progress on the part of the provincial government in its negotiations with the Ontario Medical Association in developing a mechanism to replace the joint committee on physician compensation.

"The JCPC expired 18 months ago in April 1988. At that time the government cut off discussions with our representatives and unilaterally awarded a 1.75 per cent increase in the OHIP schedule of Benefits."

Dr Vaughan goes on to state that the government's attitude has severely affected the morale of physicians and that, while it may still be trendy to doctor-bash, the future of quality health care is at stake.

1340

Wellington county is not alone. Most, if not all, of the province is suffering from this government's inability to deal with the health crisis. Surely it is the responsibility of the Minister of Health (Mrs Caplan) to develop and maintain a co-operative working relationship with the medical profession for the benefit of all Ontarians.

LEANNE CAPUTO

Mr Elliot: I would like to congratulate Leanne Caputo, who is sitting in the members' gallery, on being declared first runner-up in the recent Miss World pageant held in Hong Kong. Miss Caputo was tied for the title of Miss World on the first ballot and was declared first runner-up during a second vote held to break the tie. She also received the title Queen of the Americas, the first time any Canadian has received this recognition at the Miss World pageant.

Leanne's success in Hong Kong came after she had been named Miss World Canada at the national competition, which was held in Winnipeg during October. Leanne is a hardworking dancer and model from the town of Milton in my riding of Halton North where she owns and operates her own business, the Dance Gallery, which teaches jazz, tap and ballet. She is a graduate of the Milton District High School and is currently studying at the Toronto Dance Theatre.

During the next year Leanne will be involved in numerous public engagements in Ontario and the rest of Canada. I am sure that wherever she goes Leanne will prove to be an excellent ambassador for the town of Milton and the province of Ontario. I would like to give her the best wishes as she goes about her duties.

WATER QUALITY

Mrs Grier: It seems that every couple of weeks we hear of yet another community where residents are receiving bottled drinking water because their own wells are contaminated. Every time this happens it represents a failure of our environmental protection system, a failure to have tough enough regulations and tough enough enforcement to prevent environmental problems from occurring, a failure to recognize the extent and the seriousness of the problem when local residents first complain and, finally, a failure, when the problem is acknowledged, to clean up the issue.

In Ameliasburgh in Prince Edward county, 20 area residents have been receiving bottled water for over a year. The Ministry of the Environment agrees that between 1971 and 1976 Blackbird Holdings buried barrels containing toxic waste. The barrels are still there and that waste is now leaking and contaminating wells and ground water.

In March 1989 the ministry ordered Blackbird Holdings to clean up the site, but the owner says he cannot afford to. So nothing has been done and red tape at the ministry means that the situation remains as it has been. The barrels are still there, they are still leaking and residents are worried about the health and genetic effects of the contamination. Surely the government can do better than that.

I call on the Minister of the Environment (Mr Bradley) to look into this appalling situation and find a way to clean up the mess now. Let's not wait any longer.

HOUSING ON GOVERNMENT LAND

Mr Harris: Last week the Minister of Housing (Mr Sweeney), at a meeting with

developers and municipal officials in Guelph, promised that government land would be sold cheaply to provide affordable housing. That will be a change.

This promise sounds vaguely familiar. The minister made similar grandiose statements at the Association of Municipalities of Ontario conference back in August. In fact he stated, "I certainly intend to ask the federal government to free up some of its land, but in my judgement, the government of Ontario has to free up its land first and show by example." Despite this comment, there have been no provincial announcements.

Meanwhile, on 13 October the federal Minister of State (Housing), Alan Redway, released 43 hectares—106 acres—in Vaughan and 2,500 homes are planned for the site. There is a minister who cares and has the co-operation of his cabinet colleagues. Since we have not heard from Mr Redway's provincial counterpart, my colleague the member for Wellington (Mr J. M. Johnson) asked the Minister of Government Services (Mr Ward) to indicate surplus lands that would be sold for affordable housing. The minister responded, "Five sites are to be released next year—588 units on 29 acres in Stoney Creek, Newcastle, Peterborough, Toronto and Windsor."

At face value it sounds okay, but a closer look reveals the Toronto and Stoney Creek sites were originally announced in April and May 1988. If we factor those out, the Ministry of Government Services is left with 169 units that this government is going to lead the way on. Headlines and rhetoric will not solve Ontario's affordable housing problem.

WASHROOM FACILITIES

Ms Oddie Munro: Current practice in the construction industry in relation to provision of toilet and washroom facilities is outdated. Privies and chemical flush toilets, for example, are often unsanitary and facilities for workers to wash their hands—ie, hot and cold running water and basins—are largely nonexistent. Provision of toilet and washroom facilities should not be left to the collective agreement process, such regulations being more appropriately reflected in the regulations of the Occupational Health and Safety Act, sections 89 and 90, governing all workers, unionized and unorganized.

Appropriate requirements must be practical and workable. The issue of sanitary and washroom facilities has been a recurring resolution submitted to the annual meetings of the Hamilton-Brantford Building and Construction Trades

Council. Submitted and adopted in both 1988 and 1989, the resolution was forwarded to and adopted by the Provincial Building and Construction Trades Council of Ontario. It has also been submitted to and discussed at the Provincial Labour-Management Health and Safety Committee.

The construction sector is the largest employment sector in this province. Minimum requirements for flush toilets and running water on all construction projects for all construction workers is overdue. Amendments will result in improved worksite conditions. Improved worksite conditions are positively related to improved productivity, making good economic as well as social sense. I urge the Minister of Labour (Mr Phillips) to support the emerging regulatory procedures amendments.

STATEMENTS BY THE MINISTRY

POLICE PURSUITS

Hon Mr Offer: I wish to inform the members of the House that today I have issued to all Ontario police forces a province-wide directive to regulate and manage police pursuits. This directive will address what has been a difficult and long-standing issue—the need to strike a balance between the public safety in initiating or continuing a pursuit, against the public safety in not initiating or continuing a pursuit.

Before issuing this directive, my ministry has taken into consideration the publicly expressed views of our citizens as well as the views of the men and women of our policing services. In the process of our deliberations we have considered and weighed a full range of options. One option was an outright ban on police pursuits.

This government has taken the position that a complete ban is not acceptable since it would only encourage criminals to flee from the police. Police pursuits are a necessary and important part of policing. While it is impossible to totally eliminate the risks involved in police pursuits, it is possible to ensure that pursuits are undertaken only when absolutely necessary and that they are conducted in a manner which maximizes public safety and are in accordance with the law.

To accomplish this objective, my ministry has developed a strategy which includes enhanced pursuit training, public education, increased Highway Traffic Act penalties, Police Act regulations and immediate implementation of clear and consistent standards set out in the directive for the management of police pursuits.

The directive which I have issued today states that public safety must be the paramount

consideration in any decision to initiate, continue or discontinue a police pursuit. The directive also states that police pursuits will be a measure of last resort. Pursuits may be initiated when police have reason to believe that a criminal offence has been or is about to be committed. They may be undertaken in noncriminal situations only for the purpose of identifying the vehicle, at which point the pursuit must then be discontinued. As well, the directive expands the responsibility for management and control of pursuits beyond the individual pursuing officer to his or her immediate supervisor.

The directive also prohibits police use of firearms for the sole purpose of attempting to stop a vehicle and prohibits deliberate ramming of a police vehicle into a pursued vehicle. It requires that all police forces submit reports on all police pursuits in Ontario for review by the Office of the Solicitor General and requires that, effective 1 January 1991, no police officer may engage in a pursuit unless he or she has been trained in a course on pursuits which has been approved by the Ontario Police College.

This directive will be accompanied by public education messages in drivers' handbooks aimed at new drivers and a pamphlet for public distribution warning of the need to stop for police and the dangers of pursuit.

1350

However, education alone is not sufficient to ensure the safety of police officers and the public. We must make it clear that disregarding a police request to stop which leads to a pursuit is a very serious offence. Currently, the Highway Traffic Act penalty for failure to stop is a minimum fine of \$100 to a maximum of \$2,000. Following consultation with the Attorney General (Mr Scott) and the Minister of Transportation (Mr Wrye), it is this government's intention to increase the fine for this offence from a minimum of \$500 to a maximum of \$5,000. The existing mandatory three-year suspension of a driving licence for conviction will remain in force.

My ministry has required that the directive announced today be followed by all police forces in Ontario, effective immediately. As well, it is this government's intention to implement this directive as a regulation in the revised Police Act which will be introduced to this House in the very near future. Ontario will then become the first province in Canada with laws which regulate police pursuits.

The initiatives announced today recognize and support the common goal of this government, the

police and the citizens of our province to increase public safety and security in our communities.

LONG-TERM CARE

SERVICES DE SOIN À LONG TERME

Hon Mr Beer: On behalf of myself and my colleagues the Minister of Health (Mrs Caplan), the Minister without Portfolio responsible for disabled persons (Ms Collins) and the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin), I am pleased to provide a progress report on the comprehensive reform of long-term care.

As members will recall, long-term care refers to the personal health and social services delivered over an extended period of time to people who are elderly or have physical disabilities.

Le 7 juin dernier, mon prédécesseur avait annoncé que nous allions entreprendre notre programme de réformes en nous fondant sur ce principe. Ces réformes visent à aider les personnes âgées et celles qui sont atteintes d'un handicap physique à poursuivre une existence autonome. Elles visent aussi à soutenir les proches qui s'occupent de ces personnes et à renforcer les moyens, dont disposent les communautés, pour planifier et administrer les services qui leur sont offerts.

Cette approche est d'ailleurs conforme à ce que préconise le Conseil du premier ministre sur la santé qui recommande, lui aussi, l'amélioration du réseau d'appui au niveau des communautés et une meilleure coordination entre les services de santé et les services sociaux.

Depuis la déclaration de juin dernier, nous avons parlé aux gens qui font appel à nos services et à ceux qui les fournissent dans certaines communautés de l'Ontario. Nous avons discuté de notre orientation avec les représentants de plusieurs organisations provinciales et nous avons effectué un examen interne, en vue de nous assurer que ces plans seront à la fois viables et efficaces.

We have found that there is real support for reform among our clients, their families and service providers, and an eagerness to take part in the reform process. We have heard, particularly from those with disabilities, that people want to maintain their independence and have more control over the services they require.

Today, I am pleased to be able to make some firm commitments to you, Mr Speaker, this House and the people of Ontario.

First, we will create new service access agencies that will simplify both the process of

finding appropriate in-home services and the process of having someone admitted to a long-term care facility. Through these agencies, people will be able to find the help they need in one place, talking to one person, instead of going through a long trying period of searching.

Second, we will introduce a new funding system for all homes for the aged and nursing homes. Under the new system, payments will vary, depending on the level of care required by residents in the home.

Third, to avoid administrative confusion and duplication, the ministries of Health and Community and Social Services are establishing a single interministry structure to manage the reformed long-term care system, both provincially and at the local level. Already we have appointed an assistant deputy minister of community services who reports jointly to my ministry and the Ministry of Health.

Fourth, we will develop a fully integrated in-home support program for seniors and disabled people. This new program will provide a wide array of services to assist people to be independent in their homes.

Existing services, such as the Ministry of Health's home care program and my ministry's integrated homemaker program, will be brought together as the core of a new consolidated in-home support program. As a result, services will be available with fewer barriers between agencies, ministries and professions.

We shall increase provincial support for many in-home services such as attendant care, in-home respite and in-home nursing care. There will also be further improvements and support for the lowest-paid workers to add to the \$28.9 million we have already provided to improve the wages of homemakers.

Finally, home support services run by community agencies, such as Meals on Wheels and Friendly Visiting, will be expanded. We will develop a more complete range of services throughout the province, looking towards greater multicultural involvement.

We will be ready to begin implementing changes in some communities by early fall of 1990. We are also preparing long-term-care legislation for presentation to the House at that same time.

There is still much to be done, but working with our partners in the community, we are determined to put in place a coherent and carefully designed system of long-term care for senior citizens and people with disabilities throughout Ontario.

To achieve this goal, it is vital that those involved in reform should have input: consumers, providers and communities. In implementing reform, we will also work closely with municipalities, continuing the co-operation already established by the Provincial-Municipal Social Services Review Committee.

At present we are working on a detailed strategic plan. We plan to release this document early next spring, and its release will signal the beginning of intensive provincial and local consultation and planning. Some aspects of the consultation process can, however, start immediately. Within the next few weeks we will establish committees made up of government, service providers and consumers, to help us establish detailed policies in four key areas.

These four areas are: A new classification system to aid us in making funding decisions for nursing homes and homes for the aged; the design of the new community service access agencies, which I mentioned earlier; the guidelines for new community and in-home service, and the role of chronic care facilities within the reformed long-term care system.

We recognize that we are starting down a long and, no doubt, sometimes bumpy road. Reform of such scope will not be easy, but the result will be a much improved system of long-term care. It will support and strengthen opportunities for community living so that senior citizens and people with disabilities will be better able to remain in their homes and communities, close to family and friends. Above all, reform will ensure the dignity of our citizens who require support.

RESPONSES

POLICE PURSUITS

Mr Kormos: Speaking to the statement made by the Solicitor General, I can tell you, Mr Speaker, that is a far cry from the tough new restrictions that were promised by his predecessor, the then Solicitor General, the member for London South (Mrs E. J. Smith). Indeed, this does little but fluff up and put some smoke and mirrors around what exists now, which is virtually no guidelines, no directions.

As far back as 1985, the MacBeth report was available to the Solicitor General and it provided a number of standards that ought to be implemented. This directive that we are told of today does not incorporate any of those standards advised by the MacBeth commission. What is entirely lacking here is any use of technology that might be made available to police officers, both municipal and OPP officers, to give effect to

pursuits that would not involve high-speed chases. I am speaking of spike belts, and there is no mention in this report or this narrative of using spike belts. I am speaking of the use of technology that is available to police officers in the 1980s and certainly in the 1990s that would give effect to pursuits without the need to engage in high-speed chases.

I have some concerns as well about the modest standards imposed, one, that a pursuit only be engaged in when it involves the commission of a criminal offence. What standard, what height, what level, how trivial a criminal offence? Indeed, we are aware of the police chase that left three officers injured and left behind a trail of about \$50,000 in wrecked cars because of the mere theft of \$15 in gas in September. That is the very type of situation in which real direction has to be provided, where the discretion of the police officer cannot be the prevailing standard for whether or not to engage in a chase. It is the sort of standard that is called out for and that is not provided in this new directive.

As I say, it is a far cry from the Police Act that we expected, a far cry from the tough new restrictions that the previous Solicitor General promised.

1400

LONG-TERM CARE

Mr B. Rae: I want to say to the Minister of Community and Social Services that this statement is interesting to listen to, just as the statement was interesting to listen to when it was made by Frank Drea back in 1982. I can also tell the minister that he has ignored some of the most difficult problems that we face in the province.

First of all, the administrative chaos between the Ministry of Health and the Ministry of Community and Social Services is not solved at all by simply having an assistant deputy minister who reports to two ministers.

Second, the most difficult issue that we have raised in this House in terms of the regulation of homes, the question of the regulation of homes that are supposed to be covered by municipal laws, all those people who are institutionalized who are not covered right now by any provincial standards whatsoever, has been completely and utterly ignored by the government, and the minister has said absolutely nothing about it in his statement.

He has said nothing at all about the question of the financial accountability and the performance accountability of the homes that are providing care for people, whether they are homes for the

aged, whether they are nursing homes or whether they are all those homes in which tens of thousands of people are living which are covered by absolutely no regulation whatsoever other than the most minimal municipal standards.

I can say to the minister that in my work in this province, there has been no issue that has been so long neglected by government and by society as this question of our care for the elderly. In fact, it was nearly eight years ago that I gave my first speech in this House on the subject of the treatment of senior citizens in Ontario's nursing homes.

I do not take any great satisfaction in saying that the pace at which the government is moving is positively glacial. What does it say about a Liberal government when the very best thing it can say in the fifth year of its administration is that we will have to wait for the sixth year of its administration before we even see a draft piece of legislation dealing with the question of the care for the elderly? That speaks of a neglect of our older people, a neglect of citizens living in poverty and living in very difficult conditions that is a disgrace.

This is a regime for the rich and for the wealthy and for the well protected. It is not a government for those who are looking to a government that cares. It is a government for people who are well off and who are well protected. It speaks to two Ontarios and not to one Ontario, and I do not think what the minister has proposed comes even close to dealing with the crisis that is affecting our old people today.

POLICE PURSUITS

Mr Runciman: I want to respond to the statement by the Solicitor General. I am not going to pass judgement on the merits of the statement. Unlike the government, we would wish to consult with the police forces and individual police officers across this province before we make a significant comment on this statement. I think, regrettably, the minister has not carried out that kind of consultative process.

I will comment today in respect to a number of concerns that jump out of this statement. In regard to the comments in respect to further prohibitions on the use of firearms, there is no reference in here to the provision of appropriate resources for the training of police officers, no reference to the recent Supreme Court decision requiring police officers in chase situations to stop at intersections and stop signs, etc.

I think our concern on this side of the House, as I mentioned in reference to consultation, is a

growing perception of an antipolice bias creeping into the Liberal government policy.

I can quote some statistics in respect to violent crimes being on the increase: sexual assaults, robbery and theft in Toronto between 1984 and 1988. Attempted murders rose by 35 per cent, sexual assaults by 38 per cent, other assaults by 68 per cent, robberies by 43 per cent, weapons possession by 33 per cent. The reality is that police are faced with more criminal acts to deal with than ever before, and behind each of these statistics is a human being. In Toronto, we have as many as 40 street gangs operating, young people not afraid to commit vicious crimes. We have a drug abuse epidemic in this province.

What kind of support is this government giving the police forces across this province? The Attorney General (Mr Scott) rebukes two police officers who criticize the courts for handing out one- and two-week sentences to drug pushers. That is the kind of support. We have two cabinet ministers of this government attending the funeral of an individual who was shot in a stolen car. What happens when we have police officers wounded or killed in the line of duty in this province? Not one word of condolence, not one word of sympathy, not one word of support from this Liberal government.

I met with officers of 52 Division in downtown Toronto last night. They are very concerned about morale. They are out in the streets dealing with this situation on a day-by-day basis, and they are very concerned. There is no one speaking up, no one standing up on their behalf in the Liberal government of Ontario. We may be faced with a work slowdown in Metropolitan Toronto by the police because of their concerns about what is happening, what this government is doing to them.

I want to say that we are concerned about the initiatives this government has undertaken which in effect are going to handicap the ability of our police officers to fight crime and will ultimately damage public safety across this province.

LONG-TERM CARE

Mrs Cunningham: In response to the comprehensive reform of long-term care in the province, I really hope that this announcement is just what it says it is, "to be able to make some firm commitments to you, Mr Speaker, this House and the people of Ontario," with regard to the long-term care for the elderly and for the disabled in the community.

When we look at simplifying the process and finding appropriate in-home services, that is

fine, but what we really need for this ageing population and for our increased number of seniors and the elderly from the Minister of Community and Social Services (Mr Beer), the Minister of Health (Mrs Caplan), the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin) and the Minister without Portfolio responsible for disabled persons (Ms Collins) are more services, and I hope that this is what this means.

We need more attendant care. We need more hours per staff, in-home care on behalf of homemakers. We need to be able to look at our institutions, our homes for the aged, our nursing homes. We need to refurbish them. We need to update them. People are prepared to pay if this government is prepared to manage, and we need better management. That is what this is all about. Seniors need more privacy in their institutions. They are telling us this. They need more individual attention. They really are telling us that personal attendants for the disabled are their prime objective. That is what they have been asking for.

The real needs in nursing homes, as I take a look at this new funding system for all homes for the aged and nursing homes, what I really hope the minister means there is that we are looking at improving the funding and services for the homes for the aged as well as bringing the nursing homes up to that level. I think it is a real crime that we have been facing some lawsuit that has finally forced the minister into saying "a new funding system." I hope that in spite of any legal suits, the minister will be looking at the needs of individuals in our special homes for senior citizens.

ORAL QUESTIONS

FOOD INDUSTRY

Mr B. Rae: I have a question to the Premier as the chairman of the Premier's Council. I think Ontario has just begun to get a sense of how major the changes that we are undergoing in our economy are in terms of the car industry, in terms of food processing. The job losses and the rate of change is becoming quite scary for people, and it is interesting to note that the Premier's Council has talked about these issues.

In fact, the Premier's Council said a little while ago in regard to the food processing industry that the changes that are taking place could spell disaster for some segments of the industry. So one cannot say that the Premier did not predict these changes and predict these problems. What one has to say is that the Premier

has done nothing to address the problems he has described in his Premier's Council reports.

Can the Premier tell me why he has done nothing to address the issues which have been described in his own reports and which workers today are experiencing in their own daily lives?

Hon Mr Peterson: The member is incorrect, and the Minister of Agriculture and Food will tell him what we are doing with the agriculture and food processing industries.

The Speaker: Referred to the Minister of Agriculture and Food.

Hon Mr Ramsay: We are obviously, and especially in Agriculture and Food, aware of the rationalization that is going on in the food processing industry. We have seen this happen in the last five years in the United States and we are beginning to see it here in Canada, and yes, it is the free trade deal that has acted as a catalyst to this rationalization.

We are doing something about it. We have a Food Industry Advisory Committee that my fellow member the Minister of Industry, Trade and Technology (Mr Kwinter) has chaired with me. We have recommendations from the food industry. We are actively giving consideration to those and preparing some action in regard to that report.

1410

Mr B. Rae: There is nothing at all in place in terms of programs for the workers who are affected by these changes. Perhaps the Minister of Agriculture and Food, since he has been given the question by the Premier, can explain why the government would be saying what a wonderful severance package it has for workers when in fact 63 per cent of working women have held their jobs for less than five years, so that they are not protected under any severance legislation at all.

Perhaps he can tell us what he is going to do about older workers whose average unemployment will now last some 23 weeks and who are going to be affected by change in all the industries that are affected, whether it is the car industry or the food processing industry. Why are there no programs in place to deal with the level and degree of change that is now coming to Ontario? There is nothing there.

Hon Mr Ramsay: The processes we have in place are designed to manage the change and the change is coming very fast because of free trade. We think it is very important that we get some financial help, as we had from the federal government with the tobacco and grape industries. We have asked the federal government for

those adjustment programs and they are not there. They sold this country on free trade because they said adjustment programs would be there. The federal government has not been there when we need it, now, today.

Mr B. Rae: The minister is an expert on selling people things, but I would like to ask the minister, by way of final supplementary, if he can tell us, and answer my question specifically, why is it that the government severance package does not cover women, 63 per cent of whom have held their jobs for less than five years? It does not cover them. If he wants to talk about food processing, he knows to what extent women occupy those jobs in many industries across the province. Why are they not covered by this legislation? Why are there no training packages in place? Why is there no pension legislation in place when we are undergoing such incredible change? The minister has seen this change coming. We have all seen it coming. The Ontario government has done nothing to—

The Speaker: Thank you. There are about four questions there.

Hon Mr Ramsay: I think the member should be asking the Minister of Labour (Mr Phillips) when it comes to severance packages and the Minister of Labour would be quite happy to discuss that. He asked about the food processing industry and I must say that what he is really talking about is the change that is happening very rapidly because of free trade. I must say it was our Premier and our party in the last election that was fighting free trade. It was our party that was leading that fight to stop this deal.

WASTE MANAGEMENT

Mr B. Rae: I want to ask the Minister of the Environment a question. I want to ask the minister this question. Last 10 March the minister announced that by 1992 Ontario would divert 25 per cent of its garbage from landfill and from incineration. As a result of the recycling programs that are now in place, the blue box program and others, we have reached roughly three per cent and 1992 is a little more than two years away.

I wonder if the minister can explain in simple terms that all of us can understand how the government intends to reduce the amount of garbage produced and sent to landfill and incineration eightfold in a little over two years. Can he explain that to me?

Hon Mr Bradley: They have little faith over there on that side. I could probably explain it to

him. I could suggest some things such as the number of—no, I will not get into those things.

Some hon members: Go ahead.

Hon Mr Bradley: No. The member for Oshawa (Mr Breaugh) wants me to, but I will not.

We see first of all a wide expansion of the blue box program in Ontario. He will be aware that Ontario won the United Nations' award for the blue box program on recycling. As a person who uses the blue box and promotes recycling, I think the member can take some of that credit, as can all the people who have used the blue box.

What we are seeing is that in the communities that are participating, the number of households that are now participating in the blue box program is, I think, about 1.8 million households in Ontario. In addition to that, the member would know that many communities are moving into a composting program, either individually within their own homes or as municipalities that are beginning to have compost heaps the whole community can use, to cut down on the amount of material that otherwise would go to an incinerator or a landfill site.

In addition to that, the government of Ontario has made a contribution—

The Speaker: Thank you. You might save a little for the supplementary.

Mr B. Rae: I cannot believe the minister is seriously arguing that a combination of composting and expanding the blue box program is going to get us to 25 per cent. If that is what he is arguing, then I think he is just whistling in the wind.

The minister has a staff now of 2,941 people, of whom a total of 13 are employed in something called the waste diversion section that was formerly the waste reduction section. They changed the name and they have 13 staff out of a total of 2,941. Can the minister tell us how 0.4 per cent of his ministry staff are going to increase the amount of waste reduction eightfold in the next two years? How can they do that?

Hon Mr Bradley: The member would surely know, but that is perhaps philosophical as some of my colleagues would say—I do not always have the same philosophical arguments with the member as some of my colleagues do—that the only solution to waste management in terms of the reduction program is not to hire civil servants, although we believe the people we have there are an excellent team. They have working with them people all over Ontario, in the

municipalities and in groups such as the Recycling Council of Ontario.

Indeed, there are even corporations—I know the member has trouble with those people—that are looking at ways now to cut back on the material that would go to either incineration or the landfill sites. The reason for is that the costs are increasing tremendously for them, and so out of necessity that has forced them to look at many of these things.

I was in Brampton the other day and I was involved in a wood recycling program—this is what the member asked about—cutting the ribbon and commending the local people in the area for being involved in something that is pretty innovative. In addition to that, people are now recycling cardboard. Remember the cardboard boxes they used to have that used to be thrown out? They are now recycled.

Mrs Grier: The kinds of activities the minister has been describing have been going on now on a voluntary basis for at least the time he has been in office and many of them for long before that. Surely the minister is prepared to recognize that with all the goodwill in the world, those kinds of voluntary efforts are not going to take him to the target he is so confidently announcing, to cut the garbage by 25 per cent two years from now. The minister, I am sure, will remember one of the documents his ministry helped fund, the solid waste environmental assessment plan report for Metropolitan Toronto. I want to ask him about a very specific recommendation in that report.

The recommendation was “that Environment Ontario should establish a waste reduction office that has a statutory mandate and obligation to produce and implement a comprehensive strategy for the province that will achieve a 50 per cent reduction of solid waste during the next decade. To do so, the waste reduction office must be given a budget and staff sufficient to the task, one that reflects the primacy of the waste reduction objective.”

Why does the minister consistently duck that kind of tough recommendation?

Hon Mr Bradley: I do not know if I can speak for all the members of the New Democratic Party—I probably cannot reasonably speak for any of them—but I can say that it may be the philosophy of the New Democratic Party to use a sledgehammer to force people in this province to do something they are already doing voluntarily. Can anyone in this House think of another program in Ontario where so many people are making a special effort to participate in recycling, where we have 1.8 million households

and close to 200 municipalities involved, where there is growing action within the schools where people are recycling—so many programs that are going on right across Ontario?

We have the Minister of Government Services (Mr Ward) announcing a program that is going to reduce the amount of waste in terms of paper and other things the government produces. There are all of these activities going on, the funding of the three Rs, industrial recycling at the present time. There are a myriad of activities going on in this province and people are coming from all over the world to see what we are doing in Ontario in the field of recycling.

1420

ELECTRICITY DEMAND AND SUPPLY

Mr Runciman: My question is for the Minister of Energy. I am sure the minister is aware that Ontario Hydro is advertising, that people are being asked to turn back their heat in their homes, that industry is being cut back in many areas of the province and that Ontario Hydro is projecting brownouts in terms of the provision of power across the province as a real possibility. This all results, I understand, because of unit 2 at Pickering being shut down on scheduled maintenance and the Lennox generating plant possibly running out of fuel.

I wonder if the minister responsible for Ontario Hydro could tell us what she is doing to ensure that residential users, business and industry do not experience blackouts.

Hon Mrs McLeod: I think we should first clarify that I do not think Ontario Hydro is at the present time making dire predictions about sustained shortages of electricity. There is an unexpected peak at this point in time with the cold weather and with the increase in electricity usage that normally comes at this season.

As the member has recognized, there are a number of situations: planned outages at the Pickering station, an unplanned problem with the transmission line that reduced the electricity available yesterday by some 1,500 megawatts, and as well the Lennox station had to be used for peaking capacity and there is concern about being able to have oil shipments quickly enough to keep the Lennox station operating through this peak period. This is a temporary request to customers to cut back during peak periods so that this very temporary shortage can be met.

I am sure the honourable member, in a supplementary, will want me to come back to the question of the longer-term planning to meet the electricity demands of Ontario, which Ontario

Hydro and the ministry are very much involved in.

Mr Runciman: I would not guess at what my supplementary is going to be. I want to say to the minister that by that response obviously she is not concerned about this situation. She is simply being a puppet of Ontario Hydro. The minister said December is a peak period for use of hydro. If indeed December is a peak period and I admit it is, will the minister justify why they scheduled a shutdown of Pickering during a peak period and why Lennox is almost out of fuel oil? Is the minister satisfied with this degree of incompetence by management at Ontario Hydro? Is that what she is telling the consumers of Ontario?

Hon Mrs McLeod: Indeed no. I do not think there is any measure of incompetence in the planning of Ontario Hydro. There was an unexpected occurrence on a transmission line that affected 1,500 megawatts of available power in the short term. I think Ontario Hydro is anticipating a concern about shortages over this peak period in asking customers to voluntarily reduce their use during peak periods.

This is not a typical situation in Ontario, as the honourable member will know. Cutbacks to customers who are on interruptible power have occurred very seldom in Ontario. In terms of the concern that is being demonstrated, I think the honourable member and all members of this House will recognize that Ontario Hydro is currently preparing a master plan for the provision of electricity to Ontario, not just through the next decade but in fact through the next 25 years. That is shortly to be tabled and will address both short-term and very long-term needs.

Mr Runciman: That has got to be a discouraging response, especially to industry across this province, because Ontario Hydro is obviously not living up to its mandate of providing a reliable supply of electricity. If this minister would get off her butt and get out there and talk to industry across this province—when we phoned the deputy minister's office they said she was not responsible for Ontario Hydro. John Savage and the deputy minister said the minister has nothing to do with the operation of Ontario Hydro, and that is very clear here today because she does not know what is going on. We have industries in this province cutting back on operations.

Interjections.

The Speaker: Order. Perhaps we had better calm down and not get too excited.

Interjections.

The Speaker: Order. Would you allow the minister to make a response? Thank you.

Hon Mrs McLeod: In terms of my awareness of what is taking place with Ontario Hydro, if time were to allow in my response to the member's questions, I would give him very detailed information about peak capacity, reserve capacity, the amount that was required yesterday and why Ontario Hydro wanted to protect some reserve capacity to ensure there would not be brownouts in Ontario over the next little while.

If the member's question is more concerned about whether or not we are working with Ontario Hydro to ensure that the requirements of electricity over the next decade and beyond are going to met, then I would draw the member's attention both to the plan Ontario Hydro is going to submit and to the fact that we were concerned enough that this plan be considered expeditiously, but thoroughly, that we have already announced the process for government review of that plan which will begin as soon as the plan is tabled.

If the member is concerned about accountability of this ministry for Ontario Hydro, I might draw his attention to the Power Corporation Act amendments that were just recently passed.

The Speaker: New question.

Interjections.

The Speaker: Order. There may be some members who do not want to hear the question, but I would like to.

POLICE PURSUITS

Mr Runciman: Thanks very much, Mr Speaker. I will try to restrain myself.

This has to do with the statement made by the Solicitor General with respect to police pursuits. I want to make reference to a comment in his statement that certainly strikes me as the government attempting to have it both ways—I guess from a political perspective we can understand that—saying this government has taken the position that a complete ban is not acceptable since it would only encourage criminals to flee the police. If, in his statement today, the minister is worried about criminals fleeing, how does this allay that fear?

Hon Mr Offer: Dealing with the question, I think what the honourable member has to recognize is that this statement is designed to increase and enhance public safety. It is designed to increase and enhance public safety through a number of measures: (1) through the province-

wide police pursuit guideline; (2) through increased public education; (3) through increased penalties and fines under the Highway Traffic Act; (4) through enhanced training; (5) through making these particular guidelines regulations under the Police Act.

I believe this five-pronged approach will not only enhance public safety but also will reduce police pursuits and reduce death and injury that are caused through them.

Mr Runciman: We tend to believe the minister is right with respect to reducing pursuits. We are probably going to see a lot of police officers simply pull off to the side of the road, uncertain about where they stand with respect to this government.

I want to pose a particular example to the minister. If we had a driver who had previously been convicted on two occasions of impaired driving and he was driving on a third occasion impaired and was caught up in a police net, and if he was not pursued, or was pursued, I want to ask the minister, what deterrent is inherent in his statement with respect to that kind of individual? What deterrent has the minister built into it, because he is already going to face an automatic suspension if he is caught? I would like to hear the minister's rationale in terms of providing an effective deterrent.

The Speaker: The question has been asked twice.

1430

Hon Mr Offer: I heard the member's question but I am trying to determine what in fact the question was. The member should be very aware that these guidelines are not designed to direct what a particular decision should or should not be in a particular fact situation. What these guidelines, this initiative and announcement are designed to do is provide a framework for decision so that when that decision is made there is an enhancement of public safety.

The member should be aware that in dealing with the guidelines themselves, the key element must be the safety of the public.

Mr Runciman: I gather, from first blush in any event, we think this sort of an approach, rather than having the impact the minister wants it to have, is going to have the opposite effect. It is going to result in further endangerment of the public.

I want to talk about a couple of specifics in this as well, where the directive is prohibiting the police use of firearms for the sole purpose of attempting to stop a vehicle and prohibiting

police vehicles from being used in ramming of vehicles being pursued. On a number of occasions, in both the United States and Canada, situations like those have stopped violent criminals and have prevented further deaths. Again, it is a situation where this Liberal government is further handicapping police in their ability to perform their duties and protect the public and ensure public safety. That is, in effect, what the minister is endangering.

The Speaker: The question?

Mr Runciman: We want to talk about fines here as well. Why does the minister not have a mandatory jail sentence rather than fines?

The Speaker: Is that your question?

Mr Runciman: My question is, indeed, has the minister really carefully reviewed some of these provisions in respect to stopping fleeing vehicles, specifically with the use of firearms and ramming, in terms of the impact they may have on public safety?

Hon Mr Offer: The member should be aware that the work done in formulating not only the guidelines dealing with police pursuits but in fact the initiatives which were announced today is the result and culmination of a great deal of time with the police community. The member should be well aware that the goals and the objectives of these initiatives are ones which are shared not only by this government, not only by the general community at large, but indeed by the police community.

I believe that the initiatives, the five-prong attack in dealing with police pursuits, will enhance public safety, will reduce the number of police pursuits in this province and will also result in a decrease in the type of injury which is now before the public.

AFFORDABLE HOUSING

Mr D. S. Cooke: I have a question OF the Minister of Housing. I took a tour this morning similar to the one he took on 2 October with the Christian Resource Centre of the Regent Park area and some of the hostels and dropin centres. I am sure the minister will be happy to know that all of the hostels in the area are filled and overfilled; that the dropin centres are filled during the day; that a very small room in a rooming house in that area is renting for \$350 to \$450 a month.

In view of the fact that when one visits that area of Toronto one understands very clearly that the good times are not rolling for many people in this province, why would the minister not agree

with the people at the Christian Resource Centre when they asked him to sign a simple commitment that this government was serious about housing; that it was going to create 14,000 affordable units next year; that it would take a lead role in the development of provincial lands to ensure that surplus lands would be used for affordable housing, and that it would work with nonprofit housing providers and community-based groups to ensure that innovative pilot projects were properly funded?

Why would the minister not make housing for those people a priority in this province?

Hon Mr Sweeney: In many ways, when I not only went on the tour with those people but, as the honourable member probably knows, met with quite a larger number of them afterwards and spent about an hour and a half answering their very direct questions, we talked about many of those same things. I pointed out to them that last year, this year and for the coming two years there will be more nonprofit and co-operative housing built in Ontario than in all of the rest of the country put together.

As the member well knows, Metropolitan Toronto gets a very, very substantial share of that, mainly because this is where the greater need is and that is what the purpose of that housing is.

With respect to support programs that go along with housing, the member is well aware of the fact that my colleague the Minister of Community and Social Services (Mr Beer) provides a range of support services in conjunction with programs that we use in housing.

With respect to provincial lands, I will be making an announcement next week of a whole series of uses of provincial land. We will shortly be making our announcement with respect to the use of the Seaton lands. All of that is in progress and I spoke to those people about all those things. There was not anything there that we disagreed on.

Mr D. S. Cooke: The fact of the matter is that there are still in Metropolitan Toronto 10,000 to 20,000 people who are homeless. I saw people this morning, mothers and fathers with their little children, homeless in Ontario in 1989. It is a bloody disgrace that this is allowed to exist in Toronto or anyplace else in Ontario and it is unbelievable to us that the minister has not even got a housing program to come after the Homes Now program. When those 30,000 units are all used up—23,000 of them are now allocated—there is nothing else in this province to solve this problem.

The vacancy rates announced last week—

The Speaker: And the question.

Mr D. S. Cooke: —show 0.5 per cent in Hamilton, 0.6 per cent in Kitchener—

The Speaker: The question.

Mr D. S. Cooke: —in Toronto, 0.3 per cent; Sudbury, 0.3 per cent.

The Speaker: The question.

Mr D. S. Cooke: This requires a massive response from this government. Where is their housing program?

Hon Mr Sweeney: I have just finished sharing with my honourable colleague the fact that this province has embarked on a housing program that is larger than the whole rest of the country put together; that is a fact. I just came back a week and a half ago from a meeting of all the other Housing ministers across the country with the federal minister and that was a recognized fact; we are doing that.

As a matter of fact, when we add in the roughly 5,000 to 6,000 units we are doing in co-operation with the federal government every year, our Project 3000, our Project 3600, our Project 30,000, we are talking of 50,000 housing units over a period of five or six years. That is very significant. The entire rest of the country is not matching that.

The second point, which the honourable member knows as well as I do, is that the vacancy rate surveys that were produced cover 60 per cent of the units in this province. They do not cover those buildings that have fewer than six units. That represents 40 per cent of all the units in this province and that represents a very significant share of lower-cost, available rental units in this province. The member has to keep that factor in mind as well.

CHILDREN'S MENTAL HEALTH SERVICES

Mrs Cunningham: My question is for the Minister of Community and Social Services. It is our understanding that all of us in this House look at a priority when it comes to physical and mental health in the treatment of children. Last year in children's mental health services, there were over 10,000 children on waiting lists for service and it has now come to a crisis situation. Centres across Ontario are writing letters to all of the members in this House, I am sure, to let us know of their rather significant concern.

I know that a lot of these issues have been brought to the minister's attention—

The Speaker: Do you have a question?

Mrs Cunningham: —and I think we have come to the point now where we have to ask him, will he be willing to meet with the Ontario Association of Children's Mental Health Centres at his earliest convenience? It would be much too difficult for us to take this on in this House.

Hon Mr Beer: Very simply, yes, I would be. Indeed, we have already begun a series of meetings at the officials level and I expect to be meeting with them. That was the intent of the meetings that have been ongoing. As the member points out, there are some serious issues there and we have agreed on how we are going to examine a number of them, but I certainly feel it is important in that process that I sit down with them and go over their concerns with them directly.

1440

Mrs Cunningham: We are very pleased to hear that response and we urge the minister to meet as soon as possible. Just to help the minister along, there was a tremendous blueprint or overview of the mental health programs for children done in 1983. I hope he will take it into consideration. This report went so far as to say that children's mental health should be handled by the Ministry of Health and not Community and Social Services. That was some six years ago.

In the last four years we have seen an increase by four times in waiting lists. Can the minister advise the House that he is working with the Minister of Health (Mrs Caplan) to solve this problem and that he will take that into consideration as he looks towards meeting the demands for mental health programs for children in Ontario?

Hon Mr Beer: I am aware of the report the honourable member mentioned and we are dealing on an ongoing basis with the Ministry of Health on the broad area of mental health, and more specifically, children's mental health. There are a number of issues, which in letters to me and in my own meetings with children's mental health centres in York region, where that issue, in terms of who ought to be responsible, how the system ought to be managed and the funding of that system, had been raised. I hope to explore all of those and other issues they wish to raise when I meet with them.

WASTE MANAGEMENT

Mr Adams: I have a question for the Minister of Government Services. It seems to me that it is

not enough for the government to develop and support reduction and recycling programs for others, it must set an example by reducing, reusing and recycling its own waste. What is the Ministry of Government Services doing about waste management within government?

Hon Mr Ward: As the member will know, having heard an earlier response from the Minister of the Environment (Mr Bradley), the Ministry of Government Services is indeed embarking on a very comprehensive waste management program. The objective in the first phase of that program is to prevent as much waste material as possible from entering our landfill sites or going into incineration, and for that reason we are focusing primarily on the recycling of waste materials.

Members will know that recycling bins and blue boxes are currently being distributed to all government offices within Metropolitan Toronto. Our goal is to cover some 45,000 government employees in 120 offices. We are also conducting comprehensive waste audits on six types of government facilities across the province to determine how much solid waste is currently being generated by the Ontario government, how much is recyclable and how we can reduce the volume of waste.

Members will also know we even recycle furniture, if they have ever looked at the desks in their offices.

Mr Adams: I am grateful for that response. It seems to me that another weapon which the government has in the war against waste is procurement. Does the Ministry of Government Services take environmental concerns into account when placing orders for supplies needed by the various ministries?

Hon Mr Ward: The answer is yes. Indeed, the Ontario government purchases some \$2 billion worth a year of supplies and services. We are deeply committed to being environmentally sensitive in that procurement. MGS is currently chairing an interministerial committee that will be making recommendations on environmentally sensitive products and services.

We have already taken the first steps by introducing a line of recycled products in our office products centre for sale to government. Six recycled products including bond paper, envelopes, toner cartridges for laser printers, presentation kits, storage cartons and packaging supplies will be available for sale in January. More recycled products are expected to be added to the inventory later in the spring.

SOCIAL ASSISTANCE

Mr Allen: I have a question to the Minister of Community and Social Services. Last May this House and this government embarked on a new era in social assistance policy. The aim of that new policy was to meet the real needs of real people and end the arbitrary use of discretionary rules by administrators and operators through the system in order to provide a new sense of dignity, a new purpose and new opportunities for people who are facing a crisis in their lives.

Yet over the last two days we have had instances come to us, through the press and otherwise, which tell us that homeless persons who resort to hostels, instead of having some maintenance available for them, are being cast out either into the streets or they have to subsist for basic needs with resort to charity, and, on the other hand, a young woman who wants to complete high school is unable to access social assistance.

Will the minister please tell us what is going on under this new regime? It seems to be contrary to the original purpose.

Hon Mr Beer: First of all, to the issue the member raises around the homeless, in the spring we sent out a directive—and this goes back to a question he asked in the House last month when we had heard that there were people who were homeless who were applying for social assistance and being refused. We indicated that those who were homeless had a right to social assistance and it should be given to them. At the same time, we wanted to make clear that people could go to a hostel where they would receive shelter and food and where they are also eligible for a personal needs allowance.

So there were two options, if you want to put it in that sense, where the individual who was going to the welfare office was able to take assistance, but by the same token, if that individual was going a hostel that does not mean he or she could not receive the personal needs allowance. We wanted to make clear that homeless people had a right to receive social assistance and also that in the hostel that does not mean that is the only thing you receive—just the food and shelter.

Mr Allen: In that particular case it appears that in the hands of the Metropolitan Toronto social services department that special needs allowance is in fact being denied. On the one hand, you may go to a hostel where you may receive board and room, and both halves of your social assistance allowance will be denied. Apparently there is no further allowance in place for those persons and

there are shelters in the community which are in fact denying persons the right to access if they are receiving assistance of any other form. This puts them in a very serious catch-22 situation, as I am sure the minister would appreciate.

Hon Mr Beer: The honourable member is quite right that there has been at times a problem in the Metro system around that personal needs allowance. That has been partly because of some administrative problems. We have had discussions in making clear that individuals in hostels are eligible for the personal needs allowance and we hope we have been able to rectify that problem.

I would want to make very clear that no one should be refused entry to a hostel, that there are those who chose to take the larger allowance and not go into the hostel and are receiving that support for food and shelter, as well. But the individual going into the hostel is eligible for the personal needs allowance.

TOURISM INDUSTRY

Mr McLean: My question is for the Minister of Tourism and Recreation. The minister most likely chose not to act on behalf of the tourism hospitality industry when the Treasurer (Mr R. F. Nixon) brought in his commercial concentration tax on parking lots and large commercial buildings in the greater Metro Toronto area. This tax will result in parking fees rising by 142 per cent and undermine Ontario's competitive tourism hospitality industry.

Is the minister not a little bit worried about the effect this is going to have on tourism in Toronto, and what is he going to do about it?

Hon Mr Black: The member will know there are many factors which affect tourism in this province and which would cause concern both for operators and for the minister responsible for tourism. He has identified taxation as one of those problems and certainly I share views with my friend the Treasurer on that question on a regular basis.

But I want him to know we are concerned about many other factors which are equally damaging to the prospects for tourism in this province. We are looking, for example, at questions as to why the number of visitors to Ontario is on the decline. We are looking at questions as to why fewer people within Ontario are travelling within their own province. We recognize that there is no one single answer to a very complex question.

Mr McLean: If the minister is offering his views, it certainly does not appear that the Treasurer is listening—the increased taxes on gasoline, the increased sales tax, the increased tax on this commercial concentration with regard to parking. It does not appear that the minister has any input in cabinet with the Treasurer of the province of Ontario. What is the minister going to do to help the tourist industry stay viable here in Toronto and Ontario?

Hon Mr Black: We know the member for Simcoe East would very much welcome the opportunity to be able to have some input within cabinet. Unfortunately, the people of Ontario have not seen fit to provide him with that opportunity.

Recognizing his very significant interest in the tourist industry, I would like to ask the member for Simcoe East what he is going to do to deal with his federal counterparts, who this past year have decreased funding for tourism marketing by over \$10 million. I ask the member for Simcoe East, what is he going to do to talk to his federal cousins about their lack of support for tourism across this country?

Mr Speaker, I know you will want to know and the member for Simcoe East will want to know that far more damaging than any tax that the provincial government is going to levy will be the effect of the goods and services tax. I ask the member for Simcoe East, what is he going to do to talk to Michael Wilson about the impact of the GST on tourism in Ontario?

The Speaker: Perhaps the member for Simcoe East could answer that at some later time.

POLICE LEGISLATION

Mr Kormos: A question of the Solicitor General: The Solicitor General promised some time ago that he was going to present a new Police Act to this House before the end of 1989. It is not a new promise, because the promise had been made by his predecessor. She promised that she was going to present a new Police Act. She did not keep her promise and I am wondering whether the current Solicitor General intends to keep his.

Hon Mr Offer: It is my intention that I will be introducing a new Police Act in this Legislature before Christmas.

Mr Kormos: I am wondering if the Solicitor General appreciates the importance of issues like an independent public complaints procedure across the province. I am wondering if he appreciates the importance of monitoring alarms and, indeed, the importance of a whole number

of issues, including police commission appointments. Is the Police Act going to be comprehensive and is it going to address all those things that have been the subject of debate in this Legislature for a number of years now?

Hon Mr Offer: I have indicated earlier that I very much agree with the principle of a public complaints system across this province, and we will be working towards its implementation.

BEEF INDUSTRY

Mr Wiseman: I have a question to the Minister of Agriculture and Food. As the minister knows, Canada Packers in Burlington, as of 19 January, will cease to slaughter cattle. The majority of cattle farmers in eastern Ontario have always sent their finished livestock to this plant and, as a result of the closure, they must find a market farther away. They will have to shoulder increased transportation costs at a time when the agricultural economy is already suffering.

Is this another example of the minister's commitment to the farmers of eastern Ontario? What advice can he give the farmers of Lanark and Renfrew?

Hon Mr Ramsay: I would like to thank the member for the question. I would like to question the questioner about the premise of his question, though, that a plant closing happens to reflect on my policy towards cattlemen in this province. Not at all.

What we are seeing is a rationalization of that industry. I am working very closely with the Ontario Cattlemen's Association on its blueprint plan, which it has developed in partnership with us. That plan is working very well and I think we can beat this rationalization back and have a good and viable cattle operation and business in this province.

Mr Wiseman: I wonder if this minister and this government care a darn about farmers in eastern Ontario.

The Speaker: Is that your question?

Mr Wiseman: As the minister knows, this is the fifth plant in Ontario to close this year. The Ontario Cattlemen's Association that he mentioned says it is seeing the results of government inaction. The ministry issued a report last year—maybe the minister does not know about it, but it issued a report in which it concluded that this government was not competing with western provinces in aiding the processing plants and that the industry in this province faced an almost

immediate drastic reduction. We are seeing this—five plants closed.

Why is the minister not acting on his own ministry's study and what is he going to do about this very serious situation?

Hon Mr Ramsay: I am glad the member has finally brought up the nub of this problem, which is really that we do not have a level playing field in this country. We see western treasuries starting to compete in giving their farmers programs that obviously put them in an extremely competitive position. On Sunday night I will be meeting with my confrères from across the province and Mazankowski, the federal Minister of Agriculture, and bringing this very point to him. We are working together with the ministers of agriculture in the other provinces to make sure we have a level playing field for the cattlemen in this country so that the Ontario cattle industry can be strong in the future.

INTERVAL AND TRANSITION HOUSES

Mr Kanter: I have a question for the Minister of Community and Social Services. I was recently contacted by Barbara Thornber of the Young Women's Christian Association regarding the future of Stop 86, Metropolitan Toronto's only emergency shelter for young women. When I learned that Stop 86 faced severe financial difficulties, I helped to arrange a meeting between representatives of the Y, which operates Stop 86, and officials of the Ministry of Community and Social Services.

Can the ministry advise on the outcome of that meeting?

Hon Mr Beer: I want to thank my colleague for the work that he has undertaken in trying to help Stop 86. I think we have recognized that they perform an essential service and they, along with others, are providing very needed help. We were concerned about the financial situation, and as the honourable member points out, on 29 November there was a meeting between officials of my ministry and Stop 86 which has led to a grant of \$45,000 to help deal with the immediate problem that Stop 86 faces.

It is our hope that that will assist in dealing with the immediate problem that they find themselves in.

Mr Kanter: I appreciate the quick and positive response of the minister and his staff in responding to this situation with a grant of \$45,000. However, as I understand it, the agency faces a total financial shortfall in the vicinity of \$200,000, and I am wondering if the minister could advise whether his positive response is

being matched or is likely to be matched by other levels of government or the voluntary sector.

Hon Mr Beer: On 1 December, we met with officials from Metropolitan Toronto to look at the particular base-funding problem that was being faced by Stop 86 and indeed by several other shelters that are involved with women in Metro Toronto. We believe that out of those discussions we have some proposals which will meet the longer-term problem. It is my understanding that Metro will be looking at these proposals early in January. If they are favourably disposed to them, we would then be able to go forward and, I think, provide the kind of support to Stop 86 and to three of the other shelters in Metropolitan Toronto that would deal with that fundamental issue.

I was also pleased to note in today's paper that the city of Toronto council has provided a grant of \$25,000 as well to Stop 86. I think collectively, and with Stop 86, we will be able to put it on a much sounder financial footing for the future.

SUPPORT AND CUSTODY ENFORCEMENT

Mr Laughren: I have a question for the Attorney General. The Attorney General will know that the offices of support and custody of his ministry are supposed to enforce court orders for support across the province. In Sudbury there is a case load of 7,000, and there are seven clerks to deal with those 7,000 cases. Since 73 per cent of those cases are in default, will the Attorney General make a commitment here and now to adequately staff the Sudbury office?

1500

Hon Mr Scott: I am very grateful for the honourable member's question because I believe, as far as my ministry is concerned, there has been no initiative that has been more highly regarded in the last couple of years than the support and custody orders enforcement program. With the exception of the province of Manitoba, there is no other province in the country and few states in North America that have a program like this.

We began in Ontario with an enormous disadvantage in the sense that 85 per cent of the support orders that were made in the province, most of which involve young children, were not being honoured. We have reduced that rate in the sense that we have increased the compliance rate in slightly under two years from 15 per cent to about 27 per cent, a very significant achievement.

We have very large backlogs. We are working very hard to provide a high level of service, and

although I cannot do it by having a reception for them, I am anxious to pay my tribute to the staff of the department, who have worked so very hard. That is particularly true in the Sudbury district, where the demand is very great. But, as the honourable member will know, while all is not yet perfect, we have made very great strides in collecting these orders.

Mr Laughren: I will try again. I have asked the Attorney General if he would make a commitment to increase the staff at the Sudbury office so that it can get on with doing the job that it so much wants to do and that, I think the Attorney General should understand, all of us want to see it able to do.

Surely to goodness the Attorney General understands that many of these are women. Christmas is coming. They find that there is a huge waiting list because they are all dealing with files going back to 1987 and 1988. So when anyone comes in with new files, they are put at the bottom of the list. There is an enormous backlog and they end up going to a lawyer, which, of course, costs them big bucks. Why will the Attorney General not make a commitment to adequately staff that office?

Hon Mr Scott: I am quite sympathetic to the honourable member's concern and I would like to make the commitment he seeks and would like to meet with him privately to discuss it. But I suppose our conversation would be taped and, thereafter, where would either of us be?

I am very concerned to see that the staff of the office is as effectively utilized as possible. Like every other government ministry that runs an important social program, we are anxious to provide as effective and useful a service as we can. It is my pledge to the honourable member that we will be bringing in some changes in the program which I believe will make it operate more efficiently and effectively in the public service.

I am very grateful for my honourable friend's question and for questions and a statement made the other day by the honourable member for Sudbury East (Miss Martel) which made some useful suggestions for the conduct of the office. I will bear those very much in mind.

FOOD PROMOTION

Mr Villeneuve: I have a question for the Minister of Agriculture and Food. One area that this government must start warning customers about is the harmful effects of foods containing palm and coconut oils. Medical studies have shown there to be a high correlation in the use of

saturated fats and heart disease. Coconut oil, for instance, contains some 90 per cent saturated fats, while palm oil contains some 50 per cent. By contrast, domestically produced canola has six per cent of saturated fats, and soya oil has only 13 per cent.

Would the minister consider labelling as foods that you should be very careful with those that contain palm and coconut oil?

Hon Mr Ramsay: I am very pleased that the member is trying to give powers to me that I do not have at this time, but I share the concern the member has about food labelling. Obviously, we are looking at developing Canada-wide standards and I am working with the other ministers in doing this. But I think what the member has pointed out also is right, that there are great products grown in Ontario, such as soya oil and canola—which is an up-and-coming product for sure, a product that grows very well in all of Ontario and is being very successfully grown in northern Ontario—that are very safe and, in the case of canola, have zero cholesterol. I think there is a great future for those oils.

Mr Villeneuve: Foodland Ontario, and the minister has touched on it, is a most important project. I think Foodland Ontario should take the initiative to show our consumers that we do have grown in Ontario some alternatives to the palm oil—our soya—and I think it should be at least publicized by Foodland Ontario.

Hon Mr Ramsay: I am glad the member is supportive of the Foodland Ontario program, because I agree with the member that it is very important that we promote the products grown in this province. The products grown in this province are some of the healthiest products grown anywhere in the world. I think we can go a long way in talking to our consumer and telling the consumer in Ontario that Ontario produce needs to be supported and it is some of the healthiest around the world.

HIGHWAY SAFETY

Mr Tatham: My question is for the Minister of Transportation. I will not have time for the supplementary, but we will go ahead.

We have had, between 1 November 1988 and 31 October 1989, eight fatal accidents, 11 people killed and 290 injured on the section of Highway 401 in the Woodstock area.

Speeding is one of the main causes of traffic accidents. I understand there is a method used in European countries where a camera is located on a bridge overpass which records the vehicle, the licence number, the speed and the time of day.

When there has been a violation of the traffic act, a summons is sent to the registered owner of the vehicle. Can you advise this House if there is such equipment, if this type of equipment could be effective on province of Ontario highways and also, if the minister has time, tell us about trucks and things like that?

Hon Mr Wrye: I thank the honourable member for his question. He raises a very important issue, and that is the issue of fatalities, not only on his road but on others, and the solutions that we might find.

I am aware, as the honourable member points out, that in countries like Germany and Australia such a system exists. We are continuing to look at the system, but while certain aspects of the system are attractive to us, I would just say to the honourable member that it has the one failure of not being able to identify the driver of the car. It can identify the vehicle, the licence number and a lot of other things, but in terms of our enforcement policies, our enforcement has been driven towards the responsibility of the driver, who, when speeding, for example, at certain times may pick up demerit points.

It would cause a complete reversal of our policy and as such, while it is one which, on the surface, looks attractive, it is one which we do not see in the final analysis looking attractive.

Mr Tatham: In view of the fact that we will have longer trucks on our highways, I have had suggestions made to me that they should be slowed down and legislated to stay in the right lane only except for passing. I would appreciate the minister's comments.

Hon Mr Wrye: I just say to the honourable member, again, this is an issue which has been looked at and, as he knows, from time to time there have been differential speeds for cars and trucks in a number of jurisdictions. One of the problems with that is that differential speeds are not the safest way to move traffic along our busy thoroughways. A constant speed appropriately followed by all drivers leads to the safest possible situation, so we are not drawn towards a situation where a 90-kilometre-an-hour speed limit for trucks might be appropriate and where cars would be driving 100 kilometres an hour.

One of the things we need to do is ensure that those trucks or indeed those cars do not go far beyond the speed limit, that all people adhere to the speed limit. Then, and only then, will our highways and our roadways generally be as safe as they possibly can.

PETITIONS

PASSENGER RAIL SERVICES

Mr Neumann: This being the national day of concern on the cutbacks to VIA Rail, I have 1,600 names here—people from my riding and from surrounding ridings; Norfolk, Cambridge, Wentworth and so on—objecting to the drastic cutbacks to Via Rail and urging the government of Ontario to pressure the federal government to reverse its decision.

ANIMALS FOR RESEARCH

Mr Wildman: I have a petition to the Legislature requesting that the Parliament of Ontario pass into law a bill prohibiting the use of animals in cosmetic and product testing; that is, Bill 190.

This petition is signed by approximately 1,000 residents of mostly southern Ontario communities and it now brings the total of signatures on this petition to approximately 73,000. I support it and I have affixed my signature to it.

1510

PRINCE EDWARD HEIGHTS FACILITY

Mr MacDonald: I have a petition with 260 signatures addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas we are employees of the Ministry of Community and Social Services, Prince Edward Heights, in and around the counties of Prince Edward, Hastings and Lennox; and

"Whereas Prince Edward Heights is currently the highest diversified schedule 1 facility within the ministry; and

"Whereas we as an organization will continue to diversify; and

"Whereas we are requesting a special-case exclusion from the divestment process of the ministry's multi-year plan;

"We request that the House refrain from divesting or closing the Prince Edward Heights Facility."

I affix my signature to this petition.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

COMITÉ PERMANENT DE L'ADMINISTRATION DE LA JUSTICE

Mr Polsinelli from the standing committee on administration of justice presented the following report and moved its adoption:

M. Polsinelli du Comité permanent de l'administration de la justice présente le rapport suivant et propose son adoption :

Your committee begs to report the following bill as amended:

Bill 49, An Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

Projet de loi 49, Loi prévoyant l'accès à l'information et la protection de la vie privée dans les municipalités et les conseils locaux.

Your committee begs to report the following bill without amendment:

Bill 52, An Act to amend certain Statutes of Ontario Consequent upon Enactment of the Municipal Freedom of Information and Protection of Privacy Act, 1989.

Motion agreed to.

La motion est adoptée.

The Speaker: Shall Bill 49 be ordered for third reading?

Mr Sterling: No.

Bill ordered for committee of the whole House.

Le projet de loi est déféré au comité plénier de la Chambre.

The Speaker: Shall Bill 52 be ordered for third reading?

Mr Sterling: No.

Hon Mr Elston: You're being a jerk.

Mr Sterling: You are.

Bill ordered for committee of the whole House.

STANDING COMMITTEE ON THE OMBUDSMAN

Mr Velshi from the standing committee on the Ombudsman presented the committee's 18th annual report and moved the adoption of its recommendations.

On motion by Mr Velshi, the debate was adjourned.

Motion agreed to.

INTRODUCTION OF BILL MUNICIPAL STATUTE LAW AMENDMENT ACT

Mr Sweeney moved first reading of Bill 90, An Act to amend the Municipal Act and certain other Acts related to Municipalities.

Motion agreed to.

Hon Mr Sweeney: Very briefly, this bill gives municipalities greater flexibility to determine how they will collect sewer and water charges.

It also gives regional governments the authority to enter into agreements with other municipalities for the management of municipal services.

This legislation transfers dog licensing provisions from the Dog Licensing and Live Stock and Poultry Protection Act, administered by the Ministry of Agriculture and Food, to the Municipal Act, administered by the Ministry of Municipal Affairs.

The bill also gives municipalities more flexibility in how they regulate parking.

Finally, it ensures that microfilm copies of municipal documents will be acceptable as evidence in court.

ORDERS OF THE DAY

MINING AMENDMENT ACT, 1989

Mr O'Neil moved third reading of Bill 71, An Act to amend the Mining Act.

The Speaker: Is it the pleasure of the House that the motion carry?

Mr Pouliot: Mr Speaker, with regard and with high respect to your competence, by convention and tradition most recently people have expressed a few words, or were given that opportunity, even at third reading.

The Speaker: There have been occasions when members have wished to speak to third reading. Is that the request that the member is making?

Mr Pouliot: Again by tradition, while not departing from our stand, because loyalty is one of the key words of our party, I just want to thank the minister. I said before that I would welcome the opportunity to speak on third reading, it is so seldom that we agree with the government.

The Mining Act has not been revised in any significant way since 1906. It was just this morning that I received some phone calls asking, "Is it true that it will finally be passed?" so I join with the ministry in saying this is a cause for mild celebration.

But let's not wait when problems need to be addressed. Let's be somewhat more expeditious so that the people in the marketplace will be able to benefit from some sort of guidance. Let's not wait as long as we have in the past.

Motion agreed to.

COURTS OF JUSTICE AMENDMENT ACT, 1989

Mr Scott moved second reading of Bill 81, An Act to amend the Courts of Justice Act, 1984.

Hon Mr Scott: It will seem odd to some members that we are moving today second reading of a bill designed to amend Bills 2 and 3, which have not yet been proclaimed and which, I think, were passed some 10 days ago. I should explain to honourable members that when Bills 2 and 3 were introduced in the House it was our expectation, or at least our hope, that the bills would be passed and proclaimed by the end of June so that the Attorney General of Canada would be able to act on them promptly.

Some members of the judiciary and the bar complained that this would not provide an adequate period for comment on what they regarded as a reasonably complex and important piece of legislation. As a result, we indicated to them that an amending bill would be introduced before the first bill, Bill 2, was proclaimed. In the reality, it became unnecessary to do that because Bills 2 and 3 were not debated at second or third reading until this autumn, but it was considered desirable and in the interests of amity to continue with our undertaking.

1520

We have also, as members will see from Bill 81's contents, had the advantage of further comments that have been made by members of the House, particularly our two distinguished critics, in the course of the debate on Bills 2 and 3 and have had the opportunity to incorporate some of those proposals in the bill before us.

The most significant change proposed in Bill 81 is the creation of the office of Associate Chief Justice of the Ontario Court (General Division). As members will know, Bill 2 did not create this office, nor did it create a parallel office for Associate Chief Justice of the Ontario Court (Provincial Division).

However, the federal minister, who of course is responsible under the Constitution for appointments to the General Division, was firmly of the view and expressed his strong opinion that the office of Associate Chief Justice was needed for the General Division. He has requested us to put before the House this change.

Fully one third of the rest of the provisions of Bill 81 are consequential changes that are necessary by virtue of the establishment of the office of Associate Chief Justice of the General Division. The remainder of the provisions in the bill are largely technical in nature and, as I have said, most of them result from requests made by members of the various courts respecting changes affecting the particular courts.

I should advise members that we do have two small amendments to propose to this bill in

committee of the whole House. I believe our critics have copies of those amendments. They deal with the provisions relating to the courts management advisory committees, which are established not only for the province but for each of the eight regions. These amendments are intended to deal with some concerns I have heard in this House and from some few lawyers and judges about the interpretation to be given to those enacting provisions.

I have always regarded, as has the staff of the ministry, that these sections were clear as they stood, but we do recognize that others have been concerned that there may be some potential impact in the provisions of those sections in respect of independence of the judiciary. There has never been any intention, and there is not now any intention, to entrench in the slightest on judicial independence, which all members of the House regard as an important constitutional principle.

What the bill is designed to do is create a formal consultation mechanism in which the stakeholders in the system will have an opportunity to consult with each other and to make recommendations to appropriate deciding bodies about how the administration of justice in the province can best be affected. I believe Bill 2 intended to achieve that result and I hope the amendments that we will be proposing today will make that clear.

I will be very grateful—I hope it is not premature to say it—for the co-operation of the members in assuring that the bill will achieve reasonably expeditious passage.

Mr Kormos: We are going to co-operate and ensure the speedy passage of this particular bill. One thing I will tell members, though, and I join with others who might make this comment, is that had the matter not been proceeded with so speedily and had there not been so much haste, it would not have been necessary to bring amendments like this to bills that were rammed through, notwithstanding the concerns raised by a number of groups and individuals to the effect that they had not had sufficient opportunity to raise their concerns about them.

I would also want to remind the Attorney General (Mr Scott) that if he—and I am sure he is, as are all of us—is concerned about the effective and efficient administration of justice in the province, he would pay attention to areas like the Niagara region, in particular Niagara South, and recognize that the greatest single impediment we have in Niagara South to an efficient and

reasonably speedy administration of justice is the lack of courtroom facilities.

He has told this Legislature more than once that we are on the short list, and that is to say that Niagara South is on the short list. Niagara South deals with a courtroom facility for the district courts that is over 100 years old and, although majestic in its structure, is totally inadequate in terms of accommodating the courts that are designed to take place there. It has to deal with provincial courts that are scattered about in temporary and rented facilities which in no way, shape or form lend those courts the majesty which ought to be accorded them and which indeed generate a level of danger for the participants in the proceedings and for the judges because they are not designed with security in mind.

These facilities range from rented community halls to rented plaza facilities. They do not have adequate facilities for containing prisoners, they do not have adequate facilities for protecting the physical safety of judges, witnesses, officers of the court or other participants in the proceedings. As I say, they do little to add grace to the proceedings themselves; indeed the proceedings are trivialized by virtue of the environment that they take place in.

So I would urge the Attorney General to, if he would, reciprocate the co-operation. We are so pleased to vote in support of Bill 81. At the same time, we would be so very pleased to see the Attorney General expedite the development of a new courtroom facility in the city of Welland to serve Niagara South, a courtroom facility that would maintain the historical role of Welland as the county seat and at the same time recognize the increased needs and expanded needs of the provincial, the district and, of course, the Supreme Court benches there.

I can say we have in Niagara, and certainly in Niagara South, an outstanding bench and an excellent leading bar who are more than eager to get to work and make sure that cases proceed with the utmost speed and with only the most reasonable delay. They are stymied, they are hamstrung in those efforts by virtue of the facilities that are—I should not say available—not available to them.

The real way of making the administration of justice speedier and more efficient in Niagara is to improve the facilities made available to the courts in that area. I would urge the Attorney General to pay some speedy attention to that particular matter. I would be more than pleased to co-operate with him. He can drive down with

me or I will drive down with him, whichever way he prefers. We can go in either the convertible or the truck, but I am serious about the need for courtroom facilities. We are in dire need. It is a disgrace and it certainly does not lend the courts the respect that they ought to have and that they deserve.

Mr Sterling: I think it is a bit ironic that we are dealing with Bill 81 today, in that we had sort of a similar experience yesterday in the standing committee on administration of justice on another two bills that were reported to the Legislature today, Bills 49 and 52, dealing with the municipal freedom of information legislation.

Before I start commenting with regard to the process, which I think is probably more important than this minor bill, it is nice to have the Attorney General here today with us in the Legislature dealing with some of his legislation. I would only comment that when the difficult bills are there, like Bills 2 and 3, the ones that have complexity, he sends out his parliamentary assistant to do the tough work, but when we are dealing with what I would call a relatively minor bill, Bill 81, which really is trying to clean up the mess that was created by the Attorney General earlier, in walks the Attorney General.

The Attorney General is here this afternoon to hear debate, but unfortunately most of the debate took place last June, last August and last month. As he has mentioned in his opening remarks, Bill 81 ironically is brought to the Legislature for second reading only 10 days after we passed Bills 2 and 3. I think it is important for the public to understand exactly what happened with the process, and really the arrogance of the government and how they deal with legislation.

1530

I just want to relay to the Speaker, because you will be interested in this, Mr Speaker, that last Monday we had public hearings in the justice committee on Bills 49 and 52, fairly complicated legislation although somewhat familiar to many members of the committee because the freedom-of-information legislation that is being dealt with for municipalities is very similar to the provincial legislation. We had public hearings on Monday which ended at 5:15 pm.

I do not know how much the government really listens to public hearings, but I suspect it would at least want to give the impression that it was listening to what the public had to say, considering what the public had to say and perhaps amending the legislation that was in front of the committee. But no, as soon as the public hearings were over, the government

members of the committee insisted on going ahead on the clause-by-clause analysis of Bills 49 and 52. They agreed, after some argument put forward by me, that we would at least postpone that until Tuesday.

As you know, Mr Speaker, yesterday we were dealing in this Legislature with Bill 68. At that time, I wanted to be in the Legislature, as did most people in the justice committee. The member for Welland-Thorold (Mr Kormos) wanted to be in the Legislature as well on Bill 68. He is very much interested in the no-fault insurance bill. In fact, I was amazed to see that the Attorney General was here neither for the debate nor for the vote.

Hon Mr Scott: It is not my bill.

Mr Sterling: I know, but I know that the Attorney General gives it his full support.

The point of all this is to say that yesterday I put forward a motion in the justice committee to say: "Let's wait for a little while so we can at least take the public submissions, break them down section by section and consider what they have said to the justice committee in our deliberations on the clause-by-clause analysis of the bill. If they make a good suggestion on section 15 or whatever section, we will be able to consider that as an amendment before the committee and either accept it or reject it." No way was the justice committee going to have anything to do with that.

I suggested that because two members of the justice committee in the opposition, all the opposition members, wanted to be in the Legislature to deal with the no-fault insurance bill, we suspend the committee for that purpose. No way was that going to happen. What happened yesterday was that another member of the public wanted to come in and make a submission to the committee. So in they came and made the submission to the justice committee.

In frustration, I threw up my hands and said: "I have prepared my amendments. Here they are in writing to the members of the justice committee. I am not trying to hide anything. This is what I think my amendments are, but perhaps I will have others after I see the analysis of what has happened with the others."

I think the height of arrogance came not 15 or 20 minutes ago in this Legislature, Mr Speaker, because as you know, when a bill is reported to you from a committee, it is a right in the standing orders of this Legislative Assembly that any committee can request that a bill go into committee of the whole House so that we can

deal with the sections. That is where I intended to put forward my amendments. The government knew that, the Chairman of Management Board (Mr Elston) knew that—I told him yesterday that I wanted to put forward my amendments—and the Chairman of Management Board utters across the floor that I am a jerk.

Hon Mr Scott: What?

Mr Sterling: That is what the Chairman of Management Board called me today, a jerk—

Hon Mr Scott: I would never say such a thing myself.

Mr Sterling: —a jerk for doing what in fact the standing orders permit me to do as a member of the Legislature and what I have a duty to do as a member of the opposition, presenting amendments to legislation in a constructive fashion. That is the height of arrogance of this government. When you use the right to debate in this Legislature, they call you a jerk.

That is because there are few rules which protect the right of members of this Legislature to debate, and this government with 94 members does not want debate. They do not want to listen to members of the public, to have them come into the committees of this Legislature and present what they consider constructive suggestions in regard to legislation. The members of this government wants it their way all the time.

Unfortunately, by not listening to the public, we have the result, as shown today, of Bill 81. Bills 2 and 3 were introduced in this Legislature on 1 May 1989, two pieces of legislation which were very detailed and complex pieces. On or about the third or fourth week of June, the justice committee started to have hearings with regard to these bills, and we heard in front of that justice committee that the people who wanted to make submissions needed more time to look at Bills 2 and 3 in order to analyse them and make suggestions to the committee.

The justice committee met again in early August of this year, 2 or 3 August I believe, and at that time again the public groups, particularly the bar of Ontario through the Canadian Bar Association and the Advocates' Society, had not prepared their briefs to the committee so that we could consider what they said in a constructive way.

At that time the member for Welland-Thorold, myself and the member for Ottawa South (Mr McGuinty) supported a motion to not report the bill to the Legislature until the first or second week of October, when in fact the Legislature was going to reconvene, as happened on 10 October. There really were no negatives to

leaving it open so that if in fact a group wanted to come in, the justice committee could reconvene, could hear what they said, make their determination and be done with it. No. The Liberal members on the justice committee, save and except the member for Ottawa South, said: "We're going to ram this through. We're going to report it to the Legislature."

What happens when it comes back in the Legislature? I said no when the Speaker said, "Shall this bill be called for third reading?" I forced it back into the committee of the whole House and I guess, according to the Chairman of the Management Board, I am a jerk again because I am asking for the—

Mr Breaugh: A guy has got to be right once in a while.

Mr Sterling: Unfortunately, I think there may be the odd—

Mr Ballinger: I would like you to notice I didn't say a word.

Mr Sterling: Yes, I know. I forced it into committee of the whole House, and at that time we were able to go through amendments to the bill. Again, I felt we did not deal adequately with Bills 2 and 3 because by August the government itself, from 1 May to 1 August, had discovered 45 errors in Bills 2 and 3, and had presented 45 amendments. I presented 10 or 11 amendments during that hearing, and there were some minor amendments accepted by the government during the committee of the whole House.

Now Bill 81 again has I believe 24 sections to it, so 45 amendments plus 24 makes 69 amendments to this bill since 1 May. We were concerned because this bill deals with the structure and jurisdictions of various courts in our province. We were concerned that a case would come before the courts and that it would be decided on the basis of lack of jurisdiction by one court or the other or the inability of one judge to hear a certain matter, or that the mixup in the structure of the courts would in fact interfere with the case being decided on the merits of that particular case.

1540

I do believe, however, through the parliamentary assistant, perhaps the Attorney General might be learning a little bit about the process as he is going through Bills 2 and 3 and Bill 81. It is my firm belief that members of this Legislature, when dealing particularly with legislation surrounding the Ministry of the Attorney General, save and except pieces of legislation like Bill 194, are not of a political nature and that the

amendments are put forward, generally in good faith, to try to deal with the issues in the best manner possible. Of course, there is always a colour of politics in any amendment that is put forward because there are two sides to the argument, either in support or against a particular amendment that is put forward.

But I do want to say that I have tried, and the members of our caucus have tried, to be constructive in dealing with most of the legislation that has been brought forward by the Attorney General. In fact, the Attorney General knows that some of the legislation which he has passed in this Legislative Assembly over the past three years has not been because it has been high on his priority list, but because I have intervened at the House leaders' meeting and asked the New Democratic Party, the other opposition party, if it has any objection to a smaller or minor bill so that we can get on with it and get it out of the way. That has in fact happened from time to time, as we have gone over the past three years.

I just want to say that I am extremely disappointed in how Bills 2 and 3 have been handled. I think it is an indication of the inability of the Liberal members on the justice committee to act independently, save and except I will give the member for Ottawa South. There was one indication of some degree of independence on his part when his senses came to him with regard to how the process should work.

But if we have a complicated piece of legislation that is introduced by the government, we want to give that legislation at least some time to gestate, so that the people who are involved will have the time to examine it, will have the time to come and give us their free advice, free advice to the legislators on how it can be improved, and worthwhile amendments can be put forward and considered by members of this assembly and we can deal with it in a really meaningful way.

I have read Bill 81. It deals with a whole scattering and smattering of matters, many of which were raised during the committee hearings on Bills 2 and 3. We have no great objection to any of those and will be supporting Bill 81 on second reading.

Hon Mr Scott: I will just make a short remark. First, I am grateful to the critics of the ministry for their assistance and I should say to my honourable friend who spoke last that I am aware that consultation is important and the role of members of this House in making proposals is important.

I think it is useful to remember that the genesis of this merger bill really goes back to 1974. The debate has been going on in this province about Bills 2 and 3 essentially for 15 years. The member and I and the honourable member for Welland-Thorold belong to a profession which is noble and distinguished, but which does not always move all the time everywhere at top speed. Thus it was that, when this bill was introduced after 15 years of discussion, the Canadian Lawyer magazine said that we were committed to a rush to judgement in respect of merger, notwithstanding that it had already taken place in eight other Canadian provinces.

We are moving, and the process of getting the bill into committee and through the House has been an important and useful one and I am grateful for the changes. I would not want the honourable member who spoke last to think that each amendment is an error. Each amendment is frequently an effort to accommodate a concern or an anxiety about the impact of the bill, or indeed a demand.

A third of the amendments in Bill 81 before the House arise as a result of the request of the Attorney General of Canada that there should be an Associate Chief Justice of the General Division court, even though the judges of that court did not make that request themselves. The amendments members see before them are not a result of error; they are a result really of the consultation process and the work, I credit, of the honourable members.

To the honourable member who spoke last, I have noted that in the four years I have been here, much of the legislation I have had the honour to introduce has been supported by him in one measure or another, and he regards this last four years in the nonpartisan world of judicial reform as a Garden of Eden of legislative change. All the things I know the honourable member for years had high on his list are now, with his help and support, being done and taking place, from freedom of information to Bill 2. I am delighted to have the honourable member not on our side in political terms but in the work of significant reform supporting, by and large, these amendments and commenting on how they can be improved.

I just draw the line at one matter. To assert that the parliamentary assistant who has worked long and hard on this messed-up Bill 2 and that I had to come to his rescue is entirely wrong. His efforts, as I know the honourable member accepts, were noble, and indeed I am sure the bill was passed

with greater alacrity and enthusiasm on all sides than if I had been here myself.

To the member for Welland-Thorold, let me say that one of the first visits I made after I became Attorney General in 1985 was to Welland to see the facilities in the historic but ancient district courthouse and in the provincial and family division. I have had occasion, from time to time, to meet with the members of the bar in that district and with the judges to discuss their circumstances.

Indeed, it was really the circumstances in Welland that led the government to accept my suggestion that a province-wide priority list should be prepared. We were not happy to continue any longer with a situation in which attorneys generals or officers of the government moved out to a district and said, "We will put a courthouse here or there." We wanted the people of the province to understand that there was an open process and they would see through that process and their own submissions as part of it a public list of the order in which the government proposed to do things.

We established that process three years ago by sending demographic studies of each district, except Ottawa and St Catharines where there were new courthouses, to the 47 other districts in the province and getting local input. As a result of that process, Welland, I am happy to say to the honourable member, took its place on the first priority list which was projects that the government hoped it would be able to undertake in the first five years of our mandate. I think Welland is either number 7 or number 9 on the first five-year priority list.

We are moving through that list, never with the speed that we would like but at a reasonable pace so that the five-year plan, if I can use a planning phrase more familiar to members of the opposition than to me, can be accomplished. I understand I think, as fully as any outsider could, the needs of Welland. I am responsive to them and I am glad that they have found their place on the priority list. Hopefully work will start before the five-year plan is completed.

Motion agreed to.

Bill ordered for committee of the whole House.

1550

House in committee of the whole.

COURTS OF JUSTICE AMENDMENT ACT,
1989

Consideration of Bill 81, An Act to amend the Courts of Justice Act, 1984.

The First Deputy Chair: I have an indication to date of two amendments from the government. Are there any other amendments?

Mr Sterling: I believe the standing orders do not permit us to consider second reading and committee of the whole House on the same day. I am not denying unanimous consent. I am quite willing to give that, but should that not be called for or should a member raise an objection? I would just like to make certain it is done properly.

The First Deputy Chair: Without quoting the actual standing order, I believe that the standing orders now say that you can move to a second stage of a bill unless 12 members object. I did not see any members objecting. It would be standing order 77, "No bill shall pass unless it receives three readings and the date of each reading shall be certified on the bill by the Clerk of the House," and, "A bill shall not pass more than one stage on one day if opposed by 12 members standing in their places."

Are there any other amendments anyone would like us to consider? The two that I have are an amendment to subsection 18(2) of the bill and an amendment to subsection 20(2) of the bill. Are there any other amendments from any members?

Sections 1 to 17, inclusive, agreed to.

Section 18:

The First Deputy Chair: Mr Scott moved that section 18 of the bill be amended by adding thereto the following subsection:

"(2) Subsection 92(3) of the said act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:

"(3) The function of the committee is to consider and recommend to the relevant bodies or authorities policies and procedures to promote the better administration of justice and the effective use of human and other resources in the public interest."

Motion agreed to.

Section 18, as amended, agreed to.

Section 19 agreed to.

Section 20:

The First Deputy Chair: Mr Scott moved that section 20 of the bill be amended by adding thereto the following subsection:

"(2) Subsection 92b(3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:

"(3) The function of the committee is to consider and recommend to the relevant bodies or authorities policies and procedures for the region to promote the better administration of justice and the effective use of human and other resources in the public interest."

Mr Sterling: This is the last amendment to Bill 81. I expect that probably I will get another chance before Christmas to comment on Bills 2 and 3, because I guess we still have another 24 hours to introduce bills that could amend this bill.

I only want to point out that we are in committee of the whole House. We have gone through introduction of the bill, which was amended in August, which was amended in November, which was amended on 23 November on the introduction of this bill and which is now being amended again.

That is five sets of amendments to the original. I just hope they have it right this time. If they had taken a little more care and precaution, they might have not only picked up the 71 amendments now to the bill as proposed on 1 May 1989, but there may have been other problems that could have been ferreted out and dealt with before we had finally passed Bills 2 and 3 in their original form.

Motion agreed to.

Section 20, as amended, agreed to.

Sections 21 to 27, inclusive, agreed to.

Bill, as amended, ordered to be reported.

On motion by Mr Ward, the committee of the whole House reported one bill with certain amendments.

LAND TRANSFER TAX AMENDMENT ACT, 1989

Mr Mancini moved second reading of Bill 48, An Act to amend the Land Transfer Tax Act.

The Deputy Speaker: Does the minister have an opening statement?

Hon Mr Mancini: A very brief statement; I know we are pressed for time.

Members of the Legislature are already somewhat familiar with the Land Transfer Tax Amendment Act, 1989. The act was presented for first reading on 18 July of this year. I would like to remind the House that certain amendments to Bill 48 will be put forward following second reading. The nature of these amendments was outlined in a statement I gave to the House on 7 November.

In the statement I made the following points. These changes primarily address administrative refinements, including tax relief for certain

unregistered transfers of a beneficial interest in land within the same corporate group and exempting sales of units in mutual funds and certain changes in partnership profit structures. Tax relief will also be provided in some cases where shareholders of a corporation divide its assets. Further, the changes will ensure that tax deferrals, exemptions and refunds are extended to unregistered transfers.

I also noted at that time that agreements that were in writing and under way on or before 18 July 1989 would be exempted. The main purpose of Bill 48 is to prevent the erosion of the traditionally broad base of land transfer tax. This legislation will reinforce the evenhanded treatment of taxpayers and block abusive transactions that may otherwise escape tax.

That is the purpose of the bill.

Ms Bryden: I would like to ask if the minister would consider tabling the amendments which apparently have already been drafted. He may assume we do not need them until we get to the clause-by-clause stage, but I think we cannot make intelligent speeches on second reading without seeing those amendments. He has not told us how many there are and I would like to remind him that he only gave us notice about the proposed amendments—that is, his statement on the proposed amendments—on 7 November, which is just one month before this.

The bill had been introduced by the previous Minister of Revenue on 18 July, just five days after the Land Transfer Tax Act that was in the budget had been passed. All of a sudden we had amendments heralded on 18 July, but only heard further about them on 7 November and we still do not have any copies of those amendments.

That is my first question. Will the minister tell us when we will get exact copies of the proposed amendments, and possibly, can we get them today?

1600

The Deputy Speaker: Any other questions and comments on the minister's statement? If not, would the minister wish to respond?

Ms Bryden: I have one.

The Deputy Speaker: You can only speak once. You have 22 seconds left if you want to ask your second question.

Hon Mr Mancini: I find myself somewhat concerned by what the honourable member says. This is not the first time we have made materials available to the member's party and for some reason or another it does not reach her. There was a briefing given by my ministry officials that I

believe their Treasury critic, the member for Nickel Belt (Mr Laughren), attended. It is my understanding that he received all the information at the time. It is further my understanding that the Clerk has received the amendments we plan to make.

I say to the honourable member that we want to extend to her and her party every courtesy possible, but this is not the first time she has been unfairly critical of my staff, both my own personal staff and also the ministry staff. As far as we are concerned we are at her service and we want to make things available to her, but I do not think I can allow any further unfair criticism of staff when we have done everything that has been asked of us.

Ms Bryden: May I have my 22 seconds that I did not use?

The Deputy Speaker: I am asking for members to debate. If you want to make your points as part of your debate, you are quite welcome to. We are trying to find out from the clerk assistant at the table if the amendments have been received.

Clerk Assistant and Clerk of Committees: No.

The Deputy Speaker: I have been told by the clerk assistant at the table that the minister's amendments have not been received. This is being checked right now. Do other members wish to participate in the debate?

Mr Laughren: I apologize for my late entry into the debate. The standing committee on resources development is sitting this afternoon. I was somewhat surprised when the minister indicated a couple of weeks ago that he was proceeding with Bill 48, not because it is a bill of earth-shaking importance, but rather that there is so much to be done in the whole field of land transfer and the sale of property in general.

When I look at Bill 48 I wonder why the minister is doing so little when there is so much to be done. That is what puzzles me when the minister goes through the process of getting his bill drafted, getting it through cabinet—I understand it is not easy to get a bill priority in cabinet—and getting it debated. However, I am not surprised this bill went zipping through cabinet in a hurry because there is not enough in it to have engendered any debate within cabinet.

Perhaps the minister felt that if he were to do anything with the bill that was worth while, he would not get it through cabinet. Perhaps the minister will tell us a little bit about that later because the minister's statement, when he made

his opening statement on the bill, mainly stated what I understand the bill to be, to prevent properties that are held in trust from avoiding the land transfer tax when that property changes hands, and when it is held in trust no tax is paid when the transfer occurs.

I just wonder if the minister could find a better way in the explanatory notes of the bill. I will read it to him just to make sure he recalls the wording he must have approved: "The purpose of the bill is to extend the ambit of the Land Transfer Tax Act to certain dispositions of beneficial interests in land...." I think that means the sale of land.

I wonder why the minister, who is not a lawyer, gets sucked into this kind of wording and why he does not demand that an explanatory note, which is not an official part of the bill, should not obfuscate a bill in the way this wording does. "The purpose of the bill is to extend the ambit of the Land Transfer Tax Act to certain dispositions of beneficial interests in land, where the person receiving the beneficial interest has not registered a conveyance...."

If someone is looking for an easy explanation of this bill, they will not get it in the formal wording and now they are not going to get it in the explanatory notes, which are supposed to make a bill understandable for lay people out there across the province. "...where the person receiving the beneficial interest has not registered a conveyance evidencing the disposition and has not paid tax under section 2 of the act, in order to eliminate tax avoidance under the act through the use of a trust."

I find it hard to believe that this minister who is one of the little people out there across the land, as am I, would want to approve that kind of language explaining the technical parts of a bill. Why in the world the minister would not say to his officials or to—who are the people who draft the bills?—legislative counsel, who I am very fond of and they do very fine work—

Mr Pope: Lawyers.

Mr Laughren: "Lawyers" is the word I was looking for. Those people who are so fond of fault insurance—it is the same group, right? Yes, I thought it was the same group. Why this minister would allow that to be done to his bill, I do not know.

Section 1 does not get any—

Interjections.

Mr Laughren: Yes, my friend the member for Welland-Thorold (Mr Kormos) is here. I am very happy.

Section 1 of the notes says, "The proposed section 2a of the act would impose a tax on certain dispositions of beneficial interests in land, payable 30 days after the disposition, equal to the amount of tax which would have been payable under section 2 if the disposition had been evidenced by a registered conveyance."

Mr Haggerty: Would you mind repeating that?

Mr Laughren: Yes, I would mind repeating it. It goes on. I could read all of the explanatory notes but perhaps this is the kind of bill that will serve as notice to the minister that there has to be a better way to word the explanatory notes.

If the lawyers in his ministry have convinced him that he must use that kind of language in the actual bill itself in order to make it precise and to avoid any kinds of loopholes existing, fine, and I suppose he will have to go along with it, but I do not for a minute think he has to accept that kind of language in the explanatory notes of this or any other bill.

Enough about layman's language. I just hope the minister will have some influence on his people. We have not even got to the Income Tax Act yet.

I said at the beginning there was much to be done in the whole area of taxing the transfer of land. For some time now, we in this party have been trying to convince this government that rather than simply a land transfer tax, we need a land speculation tax. What do the Treasurer (Mr R. F. Nixon) and the Minister of Revenue do? They increased the land transfer tax a year ago instead of having a speculation tax. A land transfer tax increased the tax on the transfer of land for everybody whether you were speculating in it or not.

What kind of answer was that? This is what the Treasurer said one time, "Rather than a speculation tax, I think we will increase the land transfer tax." That penalizes everybody. What we wanted was a tax that would discourage speculation in land. Instead of that, we get this bill, Bill 48. I do not know why the minister bothered. I know it is going to eliminate some of the avoidance of transfer tax.

1610

When I was briefed by the minister's officials, I appreciated that briefing. They were very generous with their time and their comments. As a matter of fact, the member for Nepean (Mr Daigeler) was at that briefing. I asked them about the revenues that were going to be generated from this tax and they did not know. So I am not

sure how excited the minister is about this bill. Maybe he is not excited at all. No, I can see he is.

My point is why the minister bothered with this bill when there was so much to do with the taxation of property that was being sold for speculative purposes. Now, it is fine, I know the minister or the Treasurer could say that the housing market has cooled off in Ontario and in Toronto in particular, but we have heard that for almost 10 years now, that housing prices have peaked. They do, they peak, they level off for a while, and then they start shooting up again. We think a year from now there is going to be another increase in the price of homes in anticipation of the federal goods and services tax, on which this government is hell bent to join forces with the federal government to impose it.

Hon Mr Mancini: That's not true.

Mr Laughren: The Minister of Revenue says that is not true. Perhaps he was not here a week or two ago when we debated that very matter.

Hon Mr Mancini: You're twisting the facts.

Mr Laughren: No, I am not twisting facts. The government would not support a resolution from us that this government would not co-operate with the federal government on a goods and services tax. You people are salivating. The Treasurer is salivating at the thought of the goods and services tax and of joining in with the federal government. I can tell members that is exactly what is happening.

A year from now, in anticipation of that increased tax on homes, there is going to be another increase in home prices and land prices and the government will again have done nothing about it. Now is the time to bring it in.

I do not think the minister really understands the history of this matter. Since this government was formed in 1985, I believe the average price of resale homes in Toronto—I stand to be corrected by a point or two—has gone up from something like \$146,000 to almost \$300,000. The price of homes has gone up dramatically, and this government has done—

Mr Hampton: Diddly-squat.

Mr Laughren: To quote my colleague the member for Rainy River, this government has done diddly-squat about containing the speculation in homes. I hope the minister understands that. I am surprised he bothered bringing in this bill.

When we move into committee of the whole House, I believe the minister wants to move some amendments and I shall be moving an

amendment on this bill which will make it a bill worthy of passage in this chamber.

Hon Mr Mancini: Where is it?

Mr Laughren: It is on its way.

Hon Mr Mancini: It's not much notice.

Mr Laughren: How many civil servants are in the Ministry of Revenue?

Mr Daigeler: They're all busy collecting taxes.

Mr Laughren: That is right.

We are not the only people who think it is time that the government, rather than simply making minor amendments to the Land Transfer Tax Act, should make a major amendment to it in the form of a speculation tax. The minutes of the Metropolitan Toronto council indicate that it too would support such a bill. Let me tell you what they think, Mr Speaker.

"That the province of Ontario implement a land speculation tax which would be applied to all nonowner-occupied residential sales, including apartment buildings, at a rate of 65 per cent of the capital gain less the annual rate of inflation per year of ownership; that all revenue so derived be used to build and/or renovate affordable nonprofit housing within Metropolitan Toronto; to be known as the housing action fund;

"That this housing action fund be over and above existing and planned programs funded through general revenues; that should the province of Ontario not be prepared to administer this program, that it be requested to grant the necessary powers to implement these goals at the metropolitan level and that the province of Ontario be requested to increase the ceiling of the land transfer tax to \$400,000."

That was what Metropolitan Toronto's community services and housing committee recommended. We had proposed an amendment that would be not quite as complex as that. We simply said we thought we would move this when we go into committee of the whole: that for land other than land used as a principal residence, if it is conveyed within one year of its last being conveyed, the tax payable is 100 per cent of the net profit of the disposition of the land, and if the land is conveyed within two years but more than one year after the last conveyance, the tax payable is 75 per cent of the net profit on the disposition of the land.

What we were trying to do was simply cool down the speculation in the housing market, but those great free-enterprisers across the way said, "No, we are going to let the market have its way with the housing industry." That is exactly—

Hon Mr Mancini: You just want to tax all the home owners.

Mr Laughren: No. As a matter of fact, if we had had our way, no tax would have been paid. There would not have been any speculation on properties because if there is nothing to be gained by it, why engage in it? It was simply an attempt to discourage and end speculation in land and housing, particularly in Metropolitan Toronto. So it was not a tax grab at all. It was simply a way to prevent speculation in land and housing.

Mr Hampton: It was a signal to the market.

Mr Laughren: It was a signal to the market. That is correct. We think the invisible hand of the marketplace was becoming all too visible in the housing market. Think of all the problems out there in the housing market. This morning I went on a tour of the Regent Park area with my House leader and a couple of other very interesting people. We visited housing shelters and visited drop-in centres for the homeless and some hostels.

When I think back to this morning, of all the problems in the housing market and the problems affecting the homeless, and then I come in here this afternoon and have to deal with the land transfer tax bill, I want to tell the members it brings it into sharp relief just how little this government is doing for the homeless in the province of Ontario.

We are not dealing with the affordability problem at all. My House leader pointed out this afternoon that when the Minister of Housing (Mr Sweeney) went on the same tour of the area, he was asking the homeless if they would like to own a home. Rather than doing something about it, it does point out just how far removed this government is from what is really going on in downtown Toronto.

This bill does not deal with the affordability question. It does not deal with the speculation question. It does not deal at all with the problems of the homeless in this city of Toronto.

The only good thing that I can see about the bill is that it does eliminate some of the tax avoidance that is going on now when properties are held in trust and sold and no transfer tax is paid. That is all I can see that will come out of this bill, and surely that is insignificant compared to the problems in the housing market.

I do not know how the minister can sit in his place and justify this piece of inconsequential legislation, given all the problems in the housing market. I really do not know how he can do it. I hope he will go back to his officials and say, "Don't put me through this exercise again of not

only bringing in an inconsequential bill, but including in it incomprehensible explanatory notes.

1620

Mr Pope: I want to rise on behalf of our party to indicate that, while we understand the narrow intent of the bill and it is the role of the Minister of Revenue (Mr Mancini) to introduce legislation within a narrow framework to deal with narrow intentions with respect to tax and revenue policies of the government and, hopefully, to plug loopholes or clear up questions with respect to legislation, by the very nature of the relationship of the Minister of Revenue to the Treasurer and monetary and economic policies of the province of Ontario, all too often the Minister of Revenue's pieces of legislation, his initiatives, are targeted by opposition members for critiques of the general economic policies of the government, and this is no exception.

We understand the desire of the Minister of Revenue and those who are working with him on the administration of tax legislation in this province to plug loopholes and make sure that people are all treated fairly. However, we put this legislation in the context of overall tax policies in the province of Ontario from this current Liberal administration, an administration whose policies have moved tax freedom day to 7 July and next year it will be even further along the line, so the people of this province are working over six months a year just to pay their taxes.

We see the Minister of Revenue as administering, and he is only administering, but administering tax programs through law which have this effect. We have seen in the Treasurer's last budget of this past spring an increase in the land transfer tax rate. That, along with the failure of the housing policies of this Liberal administration, has led to a decrease in House purchases in the province of Ontario last year almost uniquely in Canada, almost uniquely in Canada, an absolute decline in house sales. It has led to a drying up of home construction. It has led to a drying up of rental unit construction in this great city and throughout the province of Ontario.

Tax policies are partly to blame. The failure of rental housing programs are partly to blame, and part of that blame relates to the land transfer tax rate that the Treasurer introduced in last spring's budget. We see the failure of this government in providing affordable housing to the residents of this great community of Metropolitan Toronto and across this province as being one of the critical failures of the government, and we see no programs in place using tax policies to address

that failure and redress that failure to provide for affordable housing for tenants and for home owners alike.

Yes, they will use grants. Yes, they will use taxpayers' hard-earned tax dollars to fund money out to different interests and organizations who, in turn, must give 15 per cent to consultants, generally selected by someone at the Ministry of Housing, who must give an additional 10 per cent for legal fees and other costs. By the time we are through, very little of the money, in fact, has been flowing to the actual construction of rental accommodation in this province.

We see increases in taxes removing the dream of affordable housing further and further from the view of young people in this great community and across the province, and we see the tax policy of this government removing affordable housing and the maintenance of their own homes further and further from the view of our senior citizens across this province. We saw a land transfer tax increase last spring that drove a spike even further into the hearts of those people who want affordable housing in the province.

Rather than using tax policies as a tool to prevent the acquisition of affordable housing in this province, we see tax policies as being needed to encourage the acquisition of affordable housing in this province. We think this government, this Liberal administration, is going precisely the wrong way in its use of tax policies as an instrument for housing policies in Ontario.

We would have preferred legislation that expanded the loopholes to everybody so that no one had to pay land transfer tax, so that this additional cost of acquiring housing in Ontario would be eliminated entirely.

The fact of the matter is, with the increase in the land transfer tax, with other tax policies, more and more young people were seeking legal advice on ways to avoid paying the land transfer tax. More and more people were looking at the option of incorporating holding companies and providing in future for the transfer of lands through a transfer of shares in those holding companies to avoid the heavy tax consequences of registered land dispositions in this province.

We believe the Minister of Revenue and this government saw that the tax policies were driving people to tax avoidance schemes, to the use of holding corporations and share transfers because of the tax burden that was being placed on home buyers in this province. That burden was affecting home purchases, particularly when it is coupled with the escalating cost of housing in

the city of Toronto and many other major centres of this province.

We believe that, in reality, it was not to plug the loopholes, it was an acknowledgement that the tax policies of this government were driving everyone to look for ways of getting around this tax because it was so costly and so devastating on people's own hopes for the acquisition of affordable housing in the province of Ontario, the Ontario of 1989.

There are many, many questions we have to pose to the staff of the ministry on this bill. They relate to partnership interests, limited partnership interests, the change of partnership interests by virtue of death, changes in limit of partnership interests or shareholders' interests by virtue of the operation of shareholders' agreements or limited partnership agreements or partnership agreements, the actual impact with respect to dispositions related to joint survivorships, the actual impact of dispositions of land with respect to creditors' arrangements, and we saw the explanatory notes and we have more questions on these issues.

We do not think any legislation introduced will ever stop the constant search for a way to avoid paying taxes that are too heavy. This search will go on for every home buyer in Ontario. They will continue to search for ways to avoid paying taxes that they cannot afford to pay. Until the Minister of Revenue and until the Treasurer and the government of Ontario understand that, we are going to make no progress on affordable home ownership in this province, no progress whatsoever.

I say to the Minister of Revenue, when we pose our questions, we want him to keep in mind that we disagree fundamentally with the direction that his government is heading in as it affects home ownership.

I do not want to go on at length. There is much more I could say about the economic policies of this government. It is clear that we must do something together in this Legislature to address the issue of affordable housing and, certainly, introducing more tax legislation is not the way to do it.

Ms Bryden: I would like to comment on this bill, particularly in view of its rather peculiar history. As I was mentioning at my opening statement, it was part of the budget bills that the Treasurer brought in and which were introduced on 17 May, and that came in as Bill 23. This provided for some increases in land transfer tax and established a two-step rate of 1.5 per cent for all property and two per cent for residential

property above \$400,000 and for dwellings that were occupied by one or two families, so it did provide for an increase in the land transfer tax.

It was part of the \$1.3 billion extra taxes that the provincial Treasurer has loaded on the taxpayers of this province this year, on top of \$1 billion a year in the previous two years so that it is part of the tax grab. While I think there should be a land transfer tax, it should not be a tax that is inhibiting housing development. It should not be a tax that is considered a substitute for a land speculation tax. It should be a tax which helps to bring fairness in taxation and in our tax system to this province.

1630

At the moment, as we have been pointing out, this new Liberal government is becoming much less liberal in its tax policy. It is moving from progressive taxes to regressive taxes. A land transfer tax may be progressive if it is taking a share of the proceeds of real estate transactions, but it also has its effect on the construction of housing and the relief of the housing shortage.

Bill 23 also gave recognition in the land transfer tax to the fact that people who were buying homes under the Ontario home ownership savings plan should be entitled to rebates. They were the ones for whom the OHOSP bill was passed, to give incentives to people to save for home buying. Without the Bill 23 reference to that particular program, the people under that program would have had a large land tax to pay when they came to cash in their OHOSP and to buy a house. But the refund was provided in Bill 23 and it was applicable only to home purchases under \$150,000, a full refund, and then there was a partial rebate for home owners who purchased a home for between \$150,000 and \$200,000 with their OHOSP savings.

As we pointed out at the time, that bill went through, setting up the OHOSP. It was completely inapplicable to any home sales in the city or in Metropolitan Toronto and in a great many other urban centres because homes priced at those ranges, from \$150,000 to \$200,000, have just disappeared off the market. So giving them the exemption under Bill 23, or giving a rebate, was not of any benefit to a large proportion of the people who had been induced to start OHOSPs in the hope of acquiring a home.

Bill 48, of course, still continues that section of Bill 23, but it seems surprising to me that when Bill 23 was introduced on 17 May, budget day, and was passed three months later, the ministry had not found out in those three months when the bill was before the House that there was this

loophole regarding the use of trust transfer schemes to avoid the land transfer tax. Suddenly, five days after the budget land transfer tax was passed, the then Minister of Revenue, the member for Ottawa East (Mr Grandmaître), introduced Bill 48, which was an amendment to Bill 23.

It seems to me that is an illustration of the way this ministry is not studying the implications of its tax bills and is not aware, apparently, of the loopholes that can be worked under them. On 7 November the new minister introduced a press release as to why Bill 48 was going to be proceeded with, but he has not yet shown us the amendments. I think until we get those, we will not really know the nature of Bill 48.

I think this Legislature, in a democratic society, is entitled to see those amendments—not just a summary of them but the actual amendments—when it is debating the principle of the bill. Therefore, I think my point earlier on commenting on the minister's statement was correct, that we should have the exact text of those amendments, not just briefings or press releases on what they will cover.

I am certainly not opposed to closing loopholes and eliminating tax-avoidance schemes—and I think that is the real challenge that any Minister of Revenue faces—but when we do not have sufficient information on this legislation, we are not very sure whether it is just a simple closing of a loophole or whether it also giving the minister much greater powers than he had under the land transfer tax, Bill 23. That is, I think, the function of a democratic legislature, to look at bills and to see whether additional powers are being granted to the government, and if so, whether there is a reason for granting those powers.

It also has a duty to look for further loopholes, and that relies on definitions and administration. We should put as much as possible into the legislation and have as little as possible left to regulations and the discretion of the minister. I see in this bill a considerable increase in the discretion granted to the minister. That is why I think it is being rushed through very quickly without giving the Legislature that opportunity to see whether there are additional loopholes or whether this is producing a fair tax system with regard to land transactions.

I would like to read just the first two paragraphs of the previous minister's statement when he introduced Bill 48 on 25 July. No, he actually introduced it on 18 July, but he issued his press release on 25 July. He said: "The

increasing use of trust transfer schemes in recent years was threatening to erode the traditional broad base of land transfer tax.... The bill should nullify any tax advantage which occurs when a change in beneficial ownership of land is not accompanied by a corresponding change in registered title. This will enhance equitable tax treatment."

He goes on to say that the proposed amendments impose a tax on certain dispositions of beneficial interests in land where the person receiving the interest has not registered a conveyance. That is more of what my colleague the member for Nickel Belt described as gobbledegook for the layman trying to understand what the tax is about.

In the new minister's press release on 7 November 1989 regarding Bill 48 and proposed amendments to it, he said: "The first category of changes relates to unregistered dispositions of land which occur in the course of corporate reorganizations. Several other taxing statutes, for example, the Retail Sales Tax Act, the Corporations Tax Act and the Income Tax Act, provide specific deferrals or exemptions where assets are transferred between corporations and the underlying control of the corporations is in the same hands."

It seems to me that this indicates that the loopholes that are already in the Corporation Tax Act, the Income Tax Act and the Retail Sales Tax Act will be extended to transactions covered by this act. Our party has for a long time said that those particular acts need radical reform to eliminate loopholes and special deferrals of tax and special exemptions.

We also feel that those particular acts provide a sort of umbrella under which corporate takeovers, corporate flips of buildings and rollovers and exchanges of shares can occur when, in actual fact, the underlying control of the corporation is unchanged but specific deferrals and exemptions are used to enable those rollovers and tax deferrals to carry on. That is why I think there should not be as much discretion for the minister in this act, because in order to obtain tax relief under this act, for deferral or for an exemption, they must make an application to the minister, and presumably he has the final say as to whether a person's application is accepted or not.

For instance, the minister's summary says "relief will be provided from taxation of certain unregistered transfers between corporations within the same corporate group." Well, anybody who has been looking behind the corporate veil knows that there are all sorts of transactions

going on within the same corporate group, and whether they should be taxed or not will be left up to the minister to decide whether they are eligible for relief or not.

It seems to me that this bill is another step showing that the Liberal government is the friend of corporations and large business partnership arrangements which are designed mainly to enhance the powers and the share of the market by our corporate sector. It is not seeing that we are getting the maximum revenue we can get from these companies.

We all know that the incidence of the corporation tax has been going down steadily as compared to the personal income tax so that the corporations are bearing a very low percentage of the total and the income tax payers of this province are bearing an unduly large percentage of the total of revenue provided from these sectors. This is just another effort to give corporations deferrals or exemptions from the act or to see that their changes in disposition of property are at least supervised under this act.

I think they should be brought under so that the tax will apply, but we are not sure whether it is actually going to control the corporate rollover and concentration of power.

I still do not see why we cannot get a land speculation tax in this province. It did work in 1982 when there was a tremendous boom in the flipping over of buildings. It stopped the process, but we are back at it again and the government has shown no sign of getting a portion of those large capital gains for the provincial Treasury. That is money that could be well used to provide more affordable housing, particularly in Metropolitan Toronto, where there is a zero vacancy rate. It seems to me that the Treasurer should be working towards revenue sources that will enhance his revenue for programs of home ownership and not necessarily enhance the corporate rollovers and takeovers and layoffs that are going on.

I would like to see the minister assure us that he is going to look very carefully at whatever transactions are brought to his attention for approval under this act; that he will look at them in a mandatory sense that it is his duty to see that the province obtains the maximum revenue from closing loopholes and that new loopholes are not opened. We will be expecting from him an annual report which will show the exact nature of the transactions that are going to be considered eligible under this tax and which, while not giving necessarily the names of the companies, will give us a picture of how much this relief

process is being used to let taxpayers more or less off the hook.

If it is in the interests of fairness as between different sectors of the economy, that is fine, but if it is favouring sectors of the economy that have a louder voice or that have more of a voice with some of the members of the government opposite, then I think people will be looking at it very carefully to see whether this power given to the Minister of Revenue is indeed justified and is not part of the giveaway of our economy to the big sectors.

There is no doubt that the rich are getting richer in this Metro district and in the province, really, and the poor are getting poorer, and that is partly because of our tax policies and our housing policies. So I hope we are not adding to the housing shortage by this and I hope we are going to be looking, still, at a speculation tax within the next session, if not before.

The Deputy Speaker: Does the minister wish to respond?

Hon Mr Mancini: Just briefly. As I said earlier, we are pressed for time. I am pleased to take note of what the members have had to say. I just want to repeat that this bill is to close a loophole and it does not deal with some of the matters that the opposition members have talked about. They have talked about economic policy in general, they have talked about housing matters in general.

The Ministry of Revenue does not have the purview of setting wide-ranging economic policy. That is done by the Treasury and has been the case in Ontario for many years. We do not formulate housing policy. That is done by the Ministry of Housing. That is their responsibility. We are bringing forward this bill to close a tax loophole and I think that should be supported.

1650

The Deputy Speaker: Mr Mancini has moved second reading of Bill 48, An Act to amend the Land Transfer Tax Act.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

LAND TRANSFER TAX AMENDMENT ACT, 1989

Consideration of Bill 48, An Act to amend the Land Transfer Tax Act.

Hon Mr Mancini: Mr Chairman, I would like to ask permission for my staff to be able to join us.

The First Deputy Chair: Agreed.

Do members have amendments? I have several amendments from the minister, four of them in fact, to section 1.

Hon Mr Mancini: Mr Chairman, could I clarify a matter before we get started? We might as well do it now. I believe we are going to need unanimous consent of the committee to move my amendments 6a and 6b to the bill, because both are changing sections of the act that are not amended by the bill. I have had discussions with the opposition. They appear to be amenable to this request, and I thought if we could clarify the matter now, we could proceed quickly through all the amendments without interruption.

The First Deputy Chair: Just so the members will be aware, the government has been made aware that two amendments, 6a and 6b, will require unanimous consent. That will be the first question we will put, to allow the government to introduce them, and then we can proceed to deal with them should that carry.

Ms Bryden: On a point of order, Mr Chairman: May those of us who are here at least receive copies of the amendments? I presume the critic has one copy.

The First Deputy Chair: Are there any other members who have amendments to this bill?

Mr Laughren: Yes. I thought the table had a copy. Perhaps not.

The First Deputy Chair: This would be a good time to do my routine about if you want to move amendments in here, we have to know what they are. If you provide us with copies of those, we would be pleased to make sure that everybody who needs one has one. If you really want to get serious about it, you better make sure we have got them. If we do not have them, we cannot put them.

I have a notice from Mr Laughren of an amendment to section 1a. Any other amendments that anyone cares to put? Okay. I believe we may just as well start in with the government amendments to section 1.

Section 1:

The First Deputy Chair: Mr Mancini moves that clause 2a(1)(c) of the act, as set out in section 1 of the bill, be amended by striking out "2(2c)" at the end thereof and inserting in lieu thereof "2(2b)".

Hon Mr Mancini: This amendment corrects a drafting error.

Motion agreed to.

The First Deputy Chair: Mr Mancini moves that clause 2a(5) of the act, as set out in section 1 of the bill, be struck out and the following substituted:

“(5) No tax is payable by virtue of this section if,

“(a) an instrument evidencing the disposition of the beneficial interest in land is registered within 30 days after the date of the disposition and the tax payable under section 2 on the registration of the instrument has been paid; or

“(b) the disposition of the beneficial interest in land is prescribed as being exempt.”

Mr Laughren: I assume that since this is going to be part of Bill 48 when it is passed, there will be attached to it an explanatory note. I wonder if the minister could read the explanatory note to us now?

Hon Mr Mancini: I really enjoyed the honourable member's opening remarks and my staff can attest to the fact that I have on many, many occasions asked that these legalistic concerns be expressed in layman's language that he and I can both understand. Former ministers of Revenue, being very well schooled in the economy and on all legal matters, did not need this kind of help, but my friend and I do need this kind of help. So basically I want to tell the honourable member that this amendment provides that no tax is payable if the transaction is exempted by regulation.

Mr Laughren: I would be interested in knowing what kind of exemptions the ministry anticipates by regulation, because surely there is an allowance there for all sorts of exemptions by regulation and over which we have absolutely no control, and why that could not be put in the bill. Are the exemptions too extensive to include in the bill? Are they too exotic? Are they too legalistic to place in the bill and therefore must be put in regulations? I would very much like to know, if we are going to give the minister carte blanche to make exemptions, what kind of exemptions he is anticipating.

Hon Mr Mancini: We are talking about changes to a partnership that would be considered nominal, five per cent or less.

Ms Bryden: I know that regulations are ultimately gazetted and passed by order in council. I still think that it would be desirable, particularly in the first year of operation of this bill, to have a report from the ministry of the number and type of exemptions that are authorized by regulation, without necessarily revealing

tax information that is confidential, but the companies affected, perhaps the names, the exemption requested and the numbers that are accepted by the minister, so that we know how greatly this clause is being used. I would ask the minister to comment on whether it would be possible to get such a report at the end of the first year.

1700

Hon Mr Mancini: We will take the honourable member's suggestion under advisement.

Motion agreed to.

The First Deputy Chair: I believe the minister has another amendment to section 1.

Hon Mr Mancini: I would just advise everyone to sit back and relax and have a sip of water. This is going to take a while.

The First Deputy Chair: Mr Mancini moves that section 2a of the act, as set out in section 1 of the bill, be amended by adding thereto the following subsections:

“(9) If the disposition of a beneficial interest in land is from one corporation to another corporation, each of which is an affiliate of the other immediately before and at the time of the disposition, the minister may defer the payment of the tax payable by virtue of this section by the corporation acquiring the beneficial interest if,

“(a) before the 30th day after the date of disposition of the beneficial interest in the land, the corporation applies to the minister for the deferral and submits a written undertaking satisfactory to the minister, undertaking that for a period of at least 36 consecutive months immediately following the date of the disposition,

“(i) the corporation making the disposition and the corporation acquiring the beneficial interest on the disposition will continue to be affiliates of each other, and

“(ii) the beneficial interest in the land will continue to be owned by the corporation acquiring the beneficial interest on the disposition or by a corporation that is an affiliate of that corporation and with the corporation which made the disposition of the beneficial interest in the land;

“(b) security for the tax in a form and of a kind acceptable to the minister is furnished to the minister; and

“(c) no conveyance or instrument evidencing the disposition has been registered.

“(10) The minister may extend the time for applying for the deferral and submitting the undertaking referred to in subsection (9) if the minister is satisfied that any delay by the corporation in applying for the deferral or

submitting the undertaking was not for the purpose of attempting to delay, avoid or evade the payment of the tax.

“(11) The minister shall return the security furnished in respect of the deferral granted under subsection 1(9) and the amount of tax deferred is no longer owing by reason of this section if,

“(a) the minister is of the opinion that the undertaking given under subsection (9) has been satisfied and no conveyance or instrument evidencing the disposition of the beneficial interest in land has been registered.

“(b) a conveyance or instrument evidencing the disposition of the beneficial interest in land to the corporation has been registered and the tax payable under section 2 on the registration has been paid; or

“(c) there has been a disposition of the beneficial interest in the land, or a conveyance of the land, by the corporation, or by an affiliate of the corporation, to a person who is not an affiliate of the corporation and tax has been paid under this act in respect of that disposition or on registration of the conveyance, as applicable.

“(12) For the purposes of subsection (11), if a corporation was an affiliate of another corporation immediately before winding-up or dissolving, the corporation shall be considered to continue to exist and to be an affiliate of that other corporation for the purpose of determining whether any undertakings given under subsection (9) have been fulfilled with respect to any disposition of a beneficial interest in land made before the winding-up or dissolution of the corporation or in the course of any distribution of property of the corporation on the winding-up or dissolution.

“(13) Nothing in subsection (9) or (11) relieves any person from the payment of tax under this act upon the registration of conveyance which evidences the disposition of a beneficial interest in land.

“(14) In this section ‘affiliate’ means an affiliate as described in subsection 1(2) of the Securities Act.”

Any discussion on the amendments?

Mr Laughren: Yes, through you, Mr Chairman, to the minister: Why?

Hon Mr Mancini: I can answer that very easily.

First, the series of amendments, subsections 2a(9) to (14), provides relief from tax for unregistered transfers of land between corporations which have the same underlying control.

Second, if the transfer is registered, tax will still apply.

Lastly, to my colleague across the floor, these provisions bring the land transfer tax more in line with similar provisions in the Retail Sales Tax Act, the Corporations Tax Act and the Income Tax Act of Canada.

That is why.

Mr Laughren: This then, in a way, is a further sign of the government's co-operation with the federal government on tax matters. Is that correct, that this is just another one of those examples of where they are trying to be as co-operative as possible with the federal government, whether it is land transfer tax, a corporate tax, an income tax or a goods and services tax?

Hon Mr Mancini: If that is the honourable member's opinion, I guess he can have that opinion but, as I said earlier, the bill is to straighten out the loopholes and the problems we have been having with this particular tax. That is the underlying purpose of the bill.

Mr Laughren: I heard a lot of reference to the federal government there.

Hon Mr Mancini: Yes, the federal government was referred to because the honourable member asked why. But that was only one of three points that I mentioned.

Mr Pope: Did the minister not make an error in his reading of 10(b)?

Hon Mr Mancini: It is possible, but we would have to review Hansard and the tapes of the proceedings before I could answer yes or no.

The First Deputy Chair: It was not very entertaining but I have him getting all the words in.

Mr Pope: I have other questions. Could the minister explain how this is possibly going to work, including why we should have deferrals, how anyone is going to be able to verify status under the Land Transfer Tax Act? Is the government going to have clearance certificates? If so, how will they ever be able to issue them? Who will be issuing them? What will the application for the certificate be comprised of? Will regional offices have the capacity to issue the clearance certificates the way they do now out of North Bay for retail sales tax. Why they should have overholding obligations after dissolution that will perhaps impede the ability of corporations to dissolve and relieve directors and officers of liabilities post-dissolution?

1710

All these issues have a dramatic impact on the ability of corporations to function in the province as regular legal entities, and I think we have an

obligation in this Legislature to ask the minister how this is possibly going to work. The paper work is going to be astronomical. The mechanism within the ministry to administer this is going to be incredibly complex. The regional offices, I presume, will not be able to handle this at all. The costs are something that the minister should be disclosing to us.

Most directly and dramatically of all, the overholding impact will affect the ability of people to deal with corporations in this province when it comes to not only land issues but also any corporate dealings, any dealings with a corporation, because we presume that any claim under this act will have priority over other claims arising from contracts. If there is a statutory priority for these claims, people will have no basis upon which to verify the status of these companies except at tremendous public cost.

The First Deputy Chair: Are there any comments from the minister?

Hon Mr Mancini: Not very many. Just to tell the honourable member that no, the ministry will not review every transaction. The questions that the honourable member brought up just a moment or two ago were discussed by myself and officials as we were going through the process of getting the bill ready here for the Legislature. I am told that the bill can be made to work.

If I was concerned that the bill could not work or if my officials were concerned that the bill could not work, those matters would have been raised and we would have taken whatever appropriate action necessary, even if it included delaying the bill for a while. But we believe that it can work and we intend to make it work, and my officials tell me that in fact this is possible and we are going to move forward.

Mr Pope: I have no doubt that the minister genuinely intends the bill to work. I have known the minister for many years and I know he has a genuine intent to make this work, but I think we are entitled to have answers. I am not talking about the company's dealings with the ministry. I am talking about any third person's dealings with the company and what steps he can take in order to verify the status of this company under the Land Transfer Tax Act, the same way that you get clearance certificates under the Retail Sales Tax Act when you are acquiring assets from a corporate entity. I presume now that you are going to have to get an additional clearance certificate under the Land Transfer Tax Act.

In Timmins, we apply for retail sales tax clearances at the North Bay regional office and the folks down there are very good at giving them

to us. As well, we apply for other Ministry of Revenue information at the North Bay office. Are we going to have a regional setup? I presume we cannot because of the nature and intent of this, even though now we are paying land transfer tax not at the land registry office any more but at the regional office of the Ministry of Revenue.

I think we are entitled to know how precisely this is going to work, because one of the key areas is not the minister's good intentions or the staff's good intentions; it is how people outside of government are going to be able to handle this situation that this legislation is bringing about, particularly if you are, for instance, a director or officer of a company.

You could have overholding liabilities under the Land Transfer Tax Act and this amendment that survive your no longer being an officer or a director. Even though you are given a release by the corporation and you are removed from the board, you still could have overholding responsibilities that you could be sued on, or you could be subject to a crown lien with respect to potential payments under the Land Transfer Tax Act. If that is the case, how do you protect yourself?

If you are going to be dealing with a corporation that may at one time have had an interest in land but no longer has an interest in land, you presumably are going to have to satisfy yourself in dealing with the corporation and making the payment of moneys to it that the crown is not claiming a lien under the Land Transfer Tax Act. If that is the case, what office do you apply to? What paper work do you have to go through? What is the cost of this going to be in the private sector and on the government to administer?

That is just one issue, by the way. I have a whole string of them on this section.

Hon Mr Mancini: We are discussing here some of the honourable members' concerns and we want to tell them that on this tax measure, as on all other tax measures, we count on voluntary compliance. If people do not comply and if the matter comes to the attention of the ministry, then appropriate action is taken and fines are levied or whatever action is necessary is in fact taken. I do not know what more I can tell the honourable member. The honourable member wants to get into the everyday details and workings of the ministry. The ministry works very well. There are offices in place. If people have questions, they can call, they can seek out information and we will provide that information. But the system will work.

Mr Pope: I have no doubt that there is voluntary compliance with this section. I am talking about someone who is not the corporation, not an officer or director of the corporation. I understand what you are saying about the questions I had as existing officers and directors, but someone dealing with that corporation when he is purchasing business assets, an asset-purchase arrangement.

The ministry has facilitated the obtaining of clearance certificates under the Retail Sales Tax Act. They give a breakdown of the asset of the purchase price between exempt equipment, taxable equipment, inventory and goodwill. That information is sent to the regional office of the Ministry of Revenue and you ask the people there for a retail sales tax clearance certificate. The folks down there are very good at giving verbal approvals, if they can, and following up with clearance certificates under the Retail Sales Tax Act.

What I am asking is with respect to someone who is dealing with these corporations who seeks to ensure for himself and for his own interests that this corporation has complied with the act. Presumably if a corporation has not complied with the act and the directors and officers have not voluntarily complied at some point in time, the ministry may catch them and they may be subject to the tax.

I am worried about how people dealing with the corporation, who are not part of it, can protect themselves from any subsequent claim to a lien or priority of payment under the Land Transfer Tax Act to the government of Ontario. Is there going to be a clearance certificate issued? If so, will it be through the regional offices, and are we entitled to rely on the issuance of that certificate as opposed to any future claim because that corporation, unbeknownst to a subsequent purchaser of assets, was not aware of it? Will we be entitled to rely on that clearance certificate at a later date if subsequently the government of Ontario and the Ministry of Revenue find that in fact there was not a payment made for a disposition under the new provisions of the Land Transfer Tax Act and there is a claim?

Hon Mr Mancini: My officials tell me that the tax liability—I hope this answers the member's question; this is the third time we have tried—will not pass on to subsequent purchasers and that no automatic tax lien will be placed on the property.

Mr Pope: Will there be clearance certificates?

Hon Mr Mancini: Will we have clearance certificates?

Mr Pope: Some of the questions have been answered, but what I want to know is how someone dealing with property or someone dealing with the corporation, even a purchaser of shares for a corporation, can satisfy himself that the government now or at a later date will not be claiming a lien. Will there be a clearance certificate process like we have for the Retail Sales Tax Act or will there be some certification or assurance from the government by letter form that we can rely upon?

Let's say you are acquiring a shareholding interest in a company and you are trying to ensure that in making your investment in the company, you do not lose your investment or the value of your investment because of a claim at some later date under the Land Transfer Tax Act by the Ministry of Revenue. I know it is complicated and I apologize to my friend. I am just trying to deal with how we protect an investor in a company or a purchaser of corporate assets from any subsequent claim. If the minister is saying there will be no claim, that may be some comfort, unless you are buying shares of the company.

The First Deputy Chair: Are we ready for the question?

Mr Pope: I just want to get an answer.

Hon Mr Mancini: The member has experience working in this area. Does he not think the liability will appear on the corporation's records?
1720

Mr Pope: Not necessarily. If there has been no disclosure of a land disposition to a purchaser of shares, his only rights will be as against previous shareholders who may no longer even be present in the country or in the jurisdiction. I think there should be some mechanism when someone is acquiring shares in a corporation. I have been able to check this out with the Minister of Revenue, asking, "Are you aware of any disposition under the terms of this legislation that this corporation has been involved in, and are you claiming any lien or priority against me as a subsequent purchaser of the shares of this corporation under the act?"

If the answer is no, there is no lien clearance certificate, or that he are claiming no priority for a purchaser of shares for value without notice, then any corporate shareholder, officers or directors who wish to avoid their obligations under this legislation simply refuse to disclose the existence of a disposition under the act and they are away to the races. The subsequent purchaser of those shares has no obligation and in fact the minister has not avoided anything.

Hon Mr Mancini: I do not believe this will answer the honourable member's concerns. We are going to have to look at it as we go along because we expect voluntary compliance. I just do not think we can give the member more technical information right now.

Mr Pope: I want to ask about amalgamations. I want to ask about mergers. I want to ask about the acquisition of shares of publicly traded companies. If someone could pass to the minister the definition of "affiliates" under the Securities Act, I would appreciate it. I want to ask about the death benefits, beneficial interest transferring on death and whether that is just transfers to estates or whether that is transfers out of estates to beneficiaries under the will.

Second and most important, many shareholdings in companies, many interests in limited partnerships and in partnerships are subject to shareholders' agreements, limited partnership agreements and partnership agreements. It is by operation of those agreements that on death, interest will pass. Interest will pass by operation of the agreement, not by a will, and the interest will be converted into money.

Many people, for instance, are investing in limited partnerships for apartment buildings. They have rights to convert their limited partnership interests into the purchase of condominium units, or to convert their limited partnership interests into actual ownership of condominium units.

There are all these interests that will be transferred by operation of agreement on death that give benefit to the widow and the estate of the deceased by converting that interest into cash as opposed to tying it up, and by allowing for the funding of the purchases of these interests by term insurance policies that are payable to the partnership and the corporation per se to acquire these interests. The benefits to the deceased family have been well known in commercial and legal circles for many decades.

What we need to know is whether these structured arrangements, which are done for the benefit of widows and the children of the deceased, and which are done to bring some order out of partnership interests, are going to be affected. It appears from the legislation that the minister is saying they are.

I have a great deal of difficulty with the administration of this system if they are, because the agreement operates by reason of death, not by virtue of the presence of the agreement alone. Death triggers the disposition even though the disposition is pursuant to the terms of an

agreement which sets the value and the payment terms. The former Minister of Revenue is very interested in this. It is very important to set this up.

Hon Mr Mancini: Maybe I will ask the former minister to answer this question.

Mr Pope: It is a very important question really; I sincerely mean this. It is very important and is going to have a dramatic impact on estates. I want to know more about the operation of shareholders' agreements.

There is one other point while we are going through the list. Many shareholders' agreements and limited partnership agreements and partnership agreements provide for a disposition of that interest, whether it be shares or partnership interest, in the event of a court order under the Family Law Act. The Family Law Act that the Attorney General (Mr Scott) introduced in 1985 or 1986 provides for the right of a deserted spouse or a spouse in the breakup of a marriage, in the event payment is not forthcoming under the division of the property provisions of the Family Law Act, to go to court and get an order seizing shares to satisfy an order under the Family Law Act for the disposition of assets.

Many agreements provide that in the event of such an order the shares and interests are automatically converted into cash at a set value and that is paid into court. We need to know whether or not those kind of provisions are going to be affected by the provision of the Land Transfer Tax Act, because technically there may be a disposition of land.

Hon Mr Mancini: The fact that the honourable gentleman opposite is a lawyer of long standing and the fact that he still practises a couple of days a week is showing. For the individual cases that are as complicated as the honourable member talks about them, the honourable member and others can call the ministry and get advanced rulings.

The First Deputy Chair: Are we ready for the question?

All those in favour of Mr Mancini's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Mr Laughren: I move that the bill be amended by adding thereto the following section:

"1a The said act is further amended by adding thereto the following section:

"2b Notwithstanding any other provision of this act, if land, other than land used as a

principal residence, is conveyed within one year of it last being conveyed the tax payable is 100 per cent of the net profit on the disposition of the land and if the land is conveyed within two years but more than one year after the last conveyance the tax payable is 75 per cent of the net profit on the disposition of the land."

The First Deputy Chair: I am afraid that as much as I yearn for the day when you can move such an amendment, this afternoon you cannot. The standing orders are fairly clear that if you were seated just to my right, that is, if you were a minister of the crown, you could indeed move an amendment such as this, but due to several errors in history you cannot.

Mr Laughren: Of course I would not dream of challenging your ruling, Mr Chairman. I just want to know if you could give us any kind of hint when that day might be.

The First Deputy Chair: It is on its way, I am sure.

Section 1, as amended, agreed to.

1730

Section 2:

The First Deputy Chair: Mr Mancini moves that section 2 of the bill be amended by adding thereto the following subsection:

"(1a) Section 4 of the said act is further amended by adding thereto the following subsection:

"(8c) If a legal interest land is held in trust for another person by more than one trustee, the return required to be delivered under subsection (8b) may be made by one or more of the trustees on behalf of all of the trustees."

Mr Laughren: In my view this amendment is going to do absolutely nothing to stop the speculation in land and housing.

Hon Mr Mancini: We went over the principle of the bill on first reading with the former minister, when the former minister explained the principle of the bill. During second reading I re-explained the principle of the bill. We have gone over this again this afternoon. The honourable member has concerns about a number of economic matters. Those concerns may or may not be valid and we may or may not agree with them, but this bill is in fact to do other things and the honourable member knows it.

Mr Laughren: I have asked a very simple question of the minister. I asked him, am I correct that this amendment will do absolutely nothing about curtailing the speculation in land and housing?

Hon Mr Mancini: We know the economic policies of the New Democratic Party, the socialist party, and what they would do to this great province. I once heard somebody say a few years ago, "The NDP would turn Ontario into an industrial wasteland," and those words keep echoing in my mind, so yes, we reject their economic policy.

Mr Laughren: I do not like to be repetitive, but I really did put a very straightforward question to the minister and I do not understand why he refuses to answer it. Am I correct that this amendment will do absolutely nothing to stop the speculation in land and housing, to stop the flips that are going on by speculators all across Ontario but primarily in Metropolitan Toronto? Am I correct that this amendment will do absolutely nothing to stop that?

Hon Mr Mancini: I have answered the honourable member's question three times already.

Ms Bryden: I would also like the minister to let us know if he is studying a land speculation tax, because it is time he was. As I mentioned in my speech on second reading, land speculation is getting worse rather than better and it is depriving many people of middle and low income the opportunity to continue to live in Metro Toronto, making it a city for the rich and not for those on middle and lower incomes.

I also would like to correct the minister's reference to the New Democratic Party as a socialist party; it is a social democratic party. If he watched the television last weekend, he would know that and he would be acquainted with the correct names for political parties in Canada.

Mr Laughren: As a democratic socialist, I would just like to reinforce what my colleague has said about a speculation tax and ask the minister, in view of the fact that this amendment, indeed this bill, is not going to do anything to curtail speculation in land and housing, whether he has any intention of bringing in one that will.

Hon Mr Mancini: Honourable members opposite have discussed that matter with the Treasurer and they have received more than adequate responses from the Treasurer on the subject. This bill we are dealing with this afternoon is going to do a number of things, close tax loopholes for example, and that is what I have been telling honourable members all afternoon. That is the answer.

Mr Pope: Could the minister explain, "when a person holds a legal interest in land in trust for another person"? What does that mean?

Hon Mr Mancini: It is when you have the registered title to the land, but you do not own the real rights to the land. That is the definition officials are using.

Mr Pope: Is it deemed to be a trust relationship? How do you define it if it is defined in the Land Transfer Tax Act—maybe the minister can give me the definition of that act—or do you have to have a fixed trustee designation on the register of the property in order to qualify as a trustee? Who is going to determine, when you are dealing with someone, whether or not he owns the interest in land in trust for somebody else? Technically, a corporation holds the land in trust for its shareholders.

Hon Mr Mancini: The officials have informed me that the courts rely on common law to decide these matters and that is how we will come to these conclusions.

Mr Laughren: Are these the same officials who write the explanatory notes?

Hon Mr Mancini: The explanatory notes are in fact quite good, I may tell the honourable member, and friends like the member opposite to my right, he likes those types of explanatory notes, as we have been able to note this afternoon. The member and I, well, we have a different opinion, but he likes them.

The First Deputy Chair: Are we ready for the question?

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 2, as amended, agreed to.

Sections 3 to 6, inclusive, agreed to.

The First Deputy Chair: I want to draw to your attention that the two amendments that we discussed previously are 6a and 6b. It will facilitate matters if we simply put the motion at this time, and I ask the minister to ask for unanimous consent to introduce motions identified as 6a and 6b, and if that carries, we will then put them individually. Is that an agreeable way to proceed?

Hon Mr Mancini: You want me to ask for unanimous consent for both or for one at a time?

The First Deputy Chair: As I look around the hall, I think if you ask once politely, you might get the answer you want.

Hon Mr Mancini: I would like to ask the committee of the whole House for unanimous

consent to be able to move amendments to sections 6a and 6b.

The First Deputy Chair: Do we have unanimous consent?

Agreed to.

Hon Mr Mancini: I want to thank the committee, especially my two critics.

The First Deputy Chair: Mr Mancini moves that the bill be amended by adding thereto the following section:

"6a. Section 16 of the said act, as re-enacted by the Statutes of Ontario, 1983, chapter 20, section 10, and amended by the Statutes of Ontario, 1985, chapter 21, section 9, is further amended by adding thereto the following subsection:

"(11) Where tax is payable by virtue of section 2a, the disposition of the beneficial interest in the land shall, for the purposes of this section, be considered to be a conveyance of land deemed to be tendered for registration or registered on the 30th day after the date of the disposition."

Motion agreed to.

1740

The First Deputy Chair: Mr Mancini moves that the bill be amended by adding thereto the following section:

"6b. Subsection 18(2) of the said act is amended by adding thereto the following clauses:

"(aa) exempting from tax arising under section 2a prescribed dispositions or prescribed beneficial interests in land to which it is determined that section 2a was not intended to apply, or exempting from such tax prescribed dispositions of beneficial interest in land to persons prescribed for the purposes of this clause;

"(i) prescribing anything that is required or permitted by this act to be prescribed, determined or defined by regulation."

Motion agreed to.

Section 7 agreed to.

Section 8:

The First Deputy Chair: Mr Mancini moves that subsection 8(2) of the bill be struck out and the following substituted therefor:

"Sections 1 to 4 and sections 6 to 6b shall be deemed to have come into force on the 18th day of July 1989 and apply with respect to dispositions of beneficial interest in land after that date, other than,

"(a) beneficial interests in land acquired pursuant to an agreement in writing to acquire the beneficial interest entered into before the 19th

day of July 1989 or as part of a lawful distribution to the public in accordance with a prospectus, preliminary prospectus or registration statement filed before the 19th day of July 1989 with a public authority in Canada in accordance with the applicable securities legislation of Canada or of any province and, where required by law, accepted for filing by that public authority; and

“(b) beneficial interests in land acquired before the 1st day of January 1990 where arrangements in writing for the disposition were substantially advanced before the 19th day of July 1989.”

Mr Pope: If the Speaker were here, he would help me out on this, but he is not, so I will ask the minister, Mr Chairman, through you.

I have some grave concerns about retroactive application of this, mainly because my earlier questions could not be answered and I am worried about the length of time it is going to take to draft regulation and policy on this, the effect of which could stretch the retroactive impact of this legislation for well over a year and create an almost impossible situation for people who are trying to find out the status of dispositions prior to the promulgation of regulations, promulgation of this legislation and the putting in place of the policies and procedures necessary to implement it.

I am worried about the tremendous backlog. I know there will be many, many questions and many, many dispositions, the details of which will be placed before the Ministry of Revenue and to create this kind of, what I believe will be at least a one-year waiting period and to have to go back over a whole year and to try to obtain information and rulings is just going to be a nightmare for the staff of the Ministry of Revenue, and it is going to be a nightmare for anyone who was involved in something that could be deemed to be a disposition under this legislation from July 1989 on. It is just an impossible bureaucratic nightmare for the government, for the Ministry of Revenue and for the people dealing with this.

Hon Mr Mancini: I think the honourable member's concern is addressed, because anything that was completed before 18 July is exempt from the bill. Noting that and noting the objections the honourable member had earlier, I think this in fact looks after his concerns.

Mr Pope: I am talking about something that happened after July and the length of time it is going to take and the fact that people are going to have to go back and retroactively seek rulings or seek exemptions or deal with the Ministry of

Revenue. The backlog is growing every day. How are we going to deal with that backlog?

It is going to take a tremendous amount of work, overtime work in the Ministry of Revenue, and a tremendous number of new staff and we do not even have a fix, from the answer from the minister today, on the regulations or the policies or the guidelines or the process. That is going to be some months away unless all of that exists now, but I have not been told about it in answers from the minister.

We are looking at a significant problem for people who want to verify dispositions of land under status.

Hon Mr Mancini: We tried to address the honourable member's concerns and the bill has been introduced for some time. People in the business know that the bill has been introduced. My staff has shown me a bulletin that went out to the legal profession dated July 1989 which explained, very clearly, that the Land Transfer Tax Act was in fact introduced and that there was a general purpose explanation here in the bulletin, the effective date of the tax, the rate and the administration and other pages of information stapled to this bulletin. So the legal community has known for a considerable period of time.

It is true that they were probably not aware of the amendments because they have been recently produced for the public, but the general bill and the general principles of the bill have been in the hands of the legal community and others who are interested for a considerable period of time; as my parliamentary assistant has just said again, since July.

Mr Laughren: Here we have yet another amendment from the minister that does absolutely nothing to curtail the speculation on land or on housing. I do not know how many amendments the minister has brought in now to this bill and not one of them, including this one, has addressed the problem of land speculation and speculation in the housing market, particularly in Metropolitan Toronto.

He has had every opportunity to amend this bill to make it a meaningful bill and he has done absolutely nothing. The minister seems to have no shame at all. He walks in here in a cavalier fashion, flops down a bill with housekeeping amendments to it and does not do anything at all about the main problem facing people in Ontario in the housing field. That is affordability and does absolutely nothing about that.

I hope this is the last of the amendments we will see that do not address that problem.

Hon Mr Mancini: Jurisdictions with socialist governments have a great deal of difficulty providing housing, far more difficulty than we have had in this country and this province.

Mr Laughren: The minister has provoked me.

I wish we had time this afternoon to get on with Bill 60, the bill to amend the Income Tax Act, because I can tell the minister that social democratic governments around the world have a much, much more equitable tax system than the province of Ontario. No social democratic government I know of would tolerate 10,000 homeless people in its capital city the way this government tolerates 10,000 homeless people in the city of Toronto, my friend.

Hon Mr Mancini: The Minister of Housing outlined today, during question period, that the province of Ontario is building more co-operative and subsidized housing than the rest of the country put together.

Mr Pope: The issue I was addressing was not whether there was a bulletin sent out to the legal fraternity last July; it was the retroactive effect of the legislation and the workload that is going to give to the ministry and the workload that is going to give to people who are seeking to get some ruling from the ministry on whether they are exempt and it is the backlog and the inconvenience it is going to put everyone to.

While there may have been bulletins issued, the minister and his staff today could not answer some of the detailed technical questions about how this legislation will impact on dispositions and certain legal transactions in this province. If they do not know now, we can be darned sure the people who are affected by it do not know until the minister gets his regulations and processes sorted out.

1750

Hon Mr Mancini: Mr Speaker, with all respect, the honourable member comes in and he comes up with some kind of legal argument that may or may not be factual fiction. He weaves a story around a particular legal argument and he expects myself and the officials to have on-the-spot answers to some kind of legal story that he has kind of woven around some idea that he has. Frankly, we cannot give out advice on 30 seconds' notice when he comes up with the legal arguments and the concerns that may or may not be true. It is just not done. Frankly, I do not want to put my officials on the spot in that kind of way.

If he has and if his clients or his constituents have real problems, we will deal with them the

way we handle all the other matters that come before the Ministry of Revenue, in a very thoughtful way, in a very concerned way, and in a way that will give a responsive answer and that will not set precedents that we cannot handle for the future.

Mr Pope: Which is all by way of saying that the minister is not going to tell us what the impact of his legislation is. He is not going to give explanations because he thinks it is a legal fiction or I am advancing legal fictions. It so happens there are a few hundred thousand corporations in this province. We might want to know what the impact of this is going to be on their dealings.

It so happens that there are tens of thousands of limited partnerships in this province, investment vehicles that hundreds of thousands of people invest in. Maybe they have a right to know what the impact of the minister's tax legislation is going to be on them and their families in the event that they die. We have tens of thousands of shareholders agreements, partnership agreements in this province that people have made investments through. Maybe we are entitled to know what the impact of this government's policies are.

The minister can call them legal fictions, legal imaginations or wanderings of mine as someone from the legal fraternity in Timmins if he wants, but he is affecting hundreds of thousands of people. If he cannot explain in this Legislature what his own legislation means, how the heck can anyone outside of this Legislature get any satisfaction and have any certainty in dealing with the Ministry of Revenue or this administration? If the minister cannot explain it now, when we are passing the law, goodness gracious, what are the rest of the people going to do?

Hon Mr Mancini: We can explain the law. We have explained the law. We have sent out information to the legal communities since July. I am assuming that calls have been made from the legal community to our offices either in Oshawa or here in Toronto and that questions have in fact been answered. I am assuming, and it is true, that individuals and corporations and people in business have called our offices in Oshawa and in Toronto and they have asked questions and we have given them answers.

Now, it is unfortunate that the honourable member can get up—no, it is not unfortunate that he can get up and kind of weave a legal, intricate story that he wants an immediate answer to. That is his right to be able to stand up and do that and to demand answers just like that. But it is not

always possible. Tax matters are complicated, very complicated, and he knows that.

So it is not that we do not want to answer his questions and it is not that we do not know what the legislation is intended to do. We will, in fact, deal with the concerns that the honourable member has brought forward. We will do so the same way that the Ministry of Revenue has done for so many years, in a very thoughtful way, a very careful way. We will discuss the matter with our client groups and we will make rulings that we can live with, not only for the present but also for the future.

The First Deputy Chair: Further comments? Are you ready for the question?

Motion agreed to.

Section 8, as amended, agreed to.

Section 9 agreed to.

Bill, as amended, ordered to be reported.

On motion by Mr Ward, the committee of the whole House reported one bill with certain amendments.

Hon Mr Ward: I am advised that His Honour awaits to give royal assent to certain bills.

His Honour the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT

Hon Mr Alexander: Pray be seated.

The Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Clerk Assistant and Clerk of Committees: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 39, An Act to revise the Veterinarians Act;

Bill 40, An Act to repeal the Brucellosis Act;

Bill 71, An Act to amend the Mining Act.

Clerk of the House: In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these bills.

His Honour the Lieutenant Governor was pleased to retire from the chamber.

The House adjourned at 1801.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Orisle L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaître, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrundola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Wednesday 6 December 1989

Members' statements

Lithotripters	4519
Mr Allen	
Lengths of trucks and trailers	4519
Mr Jackson	
Fire Prevention Week	4519
Miss Nicholas	
Dora de Pédery-Hunt	4520
Mr Philip	
Doctors' fees	4520
Mr J. M. Johnson	
Leanne Caputo	4520
Mr Elliot	
Water quality	4521
Mrs Grier	
Housing on government land	4521
Mr Harris	
Washroom facilities	4521
Ms Oddie Munro	

Statements by the ministry

Police pursuits	4522
Mr Offer	
Long-term care	4523
Mr Beer	

Responses

Police pursuits	4524
Mr Kormos	
Long-term care	4524
Mr B. Rae	
Police pursuits	4525
Mr Runciman	
Long-term care	4525
Mrs Cunningham	

Oral questions

Food industry	4526
Mr B. Rae	
Mr Ramsay	
Waste management	4527
Mr B. Rae	
Mr Bradley	
Mrs Grier	

Electricity demand and supply	4528
--	------

Mr Runciman

Mrs McLeod

Police pursuits	4529
------------------------------	------

Mr Runciman

Mr Offer

Affordable housing	4530
---------------------------------	------

Mr D. S. Cooke

Mr Sweeney

Children's mental health services	4531
---	------

Mrs Cunningham

Mr Beer

Waste management	4532
-------------------------------	------

Mr Adams

Mr Ward

Social assistance	4533
--------------------------------	------

Mr Allen

Mr Beer

Tourism industry	4533
-------------------------------	------

Mr McLean

Mr Black

Police legislation	4534
---------------------------------	------

Mr Kormos

Mr Offer

Beef industry	4534
----------------------------	------

Mr Wiseman

Mr Ramsay

Interval and transition houses	4535
---	------

Mr Kanter

Mr Beer

Support and custody enforcement ...	4535
--	------

Mr Laughren

Mr Scott

Food promotion	4536
-----------------------------	------

Mr Villeneuve

Mr Ramsay

Highway safety	4536
-----------------------------	------

Mr Tatham

Mr Wrye

Petitions

Passenger rail services	4537
--------------------------------------	------

Mr Neumann

Animals for research	4537
-----------------------------------	------

Mr Wildman

Prince Edward Heights facility	4537	Committee of the whole House	
Mr MacDonald			
Reports by committees		Courts of Justice Amendment Act,	
Standing committee on the administra-		1989, Bill 81	4543
tion of justice	4537	Mr Sterling	4544
Mr Polsinelli		Reported	4544
Agreed to	4538	Second reading	
Standing committee on the Ombuds-		Land Transfer Tax Amendment Act,	
man	4538	1989, Bill 48	4544
Mr Velshi		Mr Mancini	4544
Agreed to	4538	Ms Bryden	4545
First reading		Mr Laughren	4545
Municipal Statute Law Amendment		Mr Pope	4548
Act, Bill 90	4538	Agreed to	4552
Mr Sweeney		Committee of the whole House	
Agreed to	4538	Land Transfer Tax Amendment Act,	
Third reading		1989, Bill 48	4552
Mining Amendment Act, 1989, Bill 71	4538	Mr Mancini	4552
Mr Pouliot		Ms Bryden	4552
Agreed to	4538	Mr Laughren	4553
Second reading		Mr Pope	4554
Courts of Justice Amendment Act,		Reported	4562
1989, Bill 81	4538	Royal assent	
Mr Scott	4539	His Honour the Lieutenant Governor . . .	4562
Mr Kormos	4539	Other business	
Mr Sterling	4540	Visitor	4519
Agreed to	4543	The Speaker	
		Adjournment	4562
		Alphabetical list of members	4563

TABLE DES MATIÈRES

Le mercredi 6 décembre 1989

Déclaration ministérielle

Services de soin à long terme	4523
M. Beer	

Rapport émanant d'un comité parlementaire

Comité permanent de l'administration	
de la justice	4537
M. Polsinelli	
Adoption du rapport	4538



No. 81

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Second Session, 34th Parliament
Thursday 7 December 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 7 December 1989

The House met at 1000.

Prayers.

ORDERS OF THE DAY

PRIVATE MEMBERS' PUBLIC BUSINESS

CUSTODY AND ACCESS

Mr Henderson moved resolution 34:

That in the opinion of this House, recognizing that the best interests of the child can be fulfilled by ensuring the child's access to love and emotional nurturance of each caring parent; and recognizing that a mother and a father are likelier to participate more fully in the growth and emotional development of their child through a nurturing parent-child relationship when child care and child nurturing responsibilities are shared with another caring adult; and recognizing that children benefit from a caring relationship with grandparents who bring a wealth of life experience to a nurturant relationship with a grandchild; and recognizing that society at large can benefit from the creative energies of mothers, fathers and children who are facilitated in their pursuit of vocational, academic, recreational and social opportunities and who are freed from the painful and demoralizing personal struggles that occur when matters of child custody and access are determined through adversarial process, every effort should be made to foster mediative rather than adversarial process to resolve disputes about custody and access, and every administrative effort should be made to bring together services designed to facilitate the co-operative mediation and resolution of custody and access disputes as a preferable alternative to adversarial court process, and efforts should be made, after family dissolution, to allow a child to have a frequent and continued nurturing and care-taking relationship with each parent unless the court determines that such a relationship with a particular parent will have a destructive influence on a particular child's healthy development and sense of well-being.

Mr Henderson: My time is brief this morning, so I will move very quickly to the point.

I came to this matter of shared parenting arrangements through constituents, two fathers

and one mother. All three had children who, unnecessarily it seemed to me, had been shut out of a meaningful relationship with a loving parent, because even when both parents are conscientious and caring, one or the other usually loses a custody dispute. But these children do not deserve to lose a parent. We can do much better than this in our approach to family breakup.

Members may presently hear a point of view that women need adversarial process in the courts rather than mediation to be fairly treated in custody awards. To me, that view is somewhat patronizing to women. Are family mediators, many if not indeed a majority of whom are women, biased against women? Do courts, criticized for decades by feminists and others as paternalistic and chauvinistic, really offer something better? In any case, can a parent who is dissatisfied with the results of mediation not turn later to the courts for a fairer outcome?

Ontario's approach to these matters badly needs review. We ought to expect parents to continue caring for and nurturing their children following family breakup, unless there are reasons to have it otherwise. I believe that Australia's statute says much that. Of course, neglect, abuse, mistreatment, disinterest or cruelty would constitute such reasons for having it otherwise. No bill or resolution that I sponsor will ever allow a child or wife batterer or abuser a share of custody or joint parenting, but we ought not to assume an adversarial struggle, with a winner and a loser in every case, because when we do, the children are the losers.

Everybody wins with good shared parenting provisions. Women win because they escape the burden of sole-parenting arrangements and enhance their opportunity to develop professional, career or social and recreational interests. Karen Decrow, a past president of the National Organization for Women in the United States says:

"I fully support joint custody after divorce, both as an attorney and as a feminist.... It is clear from the evidence that women will never have the opportunity for full participation in the professional and public spheres if they are designated as those solely responsible for the care of children."

It seems to me that some feminists who may oppose this resolution are at risk of drifting into a reactionary position. What this resolution comprises is a general statement of this Legislature that equality and sharing be the negotiated norm, not the exception in times of family breakup. The flexibility and specifics and feasibility are left to later. Surely that general statement is something this Legislature could support.

Fathers also win because they gain an opportunity to participate in the nurturance and development of the children they love. Grandparents win because grandparents do not deserve to be alienated from the future life of their cherished grandchildren. Society gains because we need the societal contribution of mothers and fathers whose energies and resources are not siphoned off by adversarial courtroom struggles.

But most of all, the children win because they deserve to have the benefit of two parents. I have practised family therapy in my other life. I have published papers on parenting. I know about the dynamics of family breakup and its effects on people, and I believe the mental health of future generations is at issue.

1010

California, Illinois, Louisiana and several other US states have had shared parenting statutes now for some years. A recent attempt to change the law in California proposed 32 amendments which would have in effect returned California to a sole-custody presumption. All 32 were defeated. In one recent survey, 80 per cent of families coming through the California system were opting for some form of joint custody.

Dr Frank Williams, director of the Cedars-Sinai Program for Children and Families of Divorce in Los Angeles, goes even further. He refers to the myth in some mental health, legal and judicial thinking that joint custody can only be effectively undertaken by co-operative parents. To the contrary, he says: "...joint custody provides one of the best methods of stimulating a degree of significant and meaningful co-operation among warring parents who would otherwise continue years of battling to the detriment of their children."

My first approach to shared parenting took the form of a preferential joint custody bill, Bill 95. Certain features of that bill were worrisome to important women's groups, so I met with some of the leaders of those groups and invited them to work with me to redraft the bill, mentioning that my only objectives were to encourage some alternative to costly and upsetting adversarial courtroom process and to try to allow the children

of family breakup the advantages of having both a mom and a dad, unless there is reason in a particular situation to do otherwise. Those seem to me be reasonable objectives well worth pursuing, but I was not able to get agreement to work together to redraft the bill.

So I did it myself, attempting to meet their concerns. I deleted the so-called friendly parent provision because I was told that that clause would put women at a disadvantage. I deleted any reference to custody, using instead the words "shared parenting" to emphasize that I was interested in a child's emotional nurturance, not some kind of legal control or entitlement. Most important, I changed the bill into a resolution so that it would not impose anything on anyone.

I then discussed the resolution with a number of knowledgeable women, including women who are members of this caucus, and made still more changes to remove or soften wording that might still be worrisome. My resolution gained the clear and thoughtful of several female caucus colleagues. It therefore surprised me this week to learn from caucus colleagues that this very benign resolution was evoking an opposition from women's groups scarcely less vehement than had my original Bill 95.

I responded by offering once again to work with those caucus colleagues to rewrite the resolution to remove whatever still was worrisome. I agreed to accept any wording at all that would help encourage negotiation and mediation rather than adversarial process and that would try to offer children both a mom and a dad whenever that is workable.

That invitation was not accepted, this time for the stated reasons that I personally had become a *bête noire* for women's groups and that, whatever the resolution were to say, there would be a perception or, if I may say so, a misperception that it was insensitive to the concerns of women, especially women who are disadvantaged or had been victims of assault. To a physician the difference between a perception and a misperception matters greatly, although I realize that in politics the distinction sometimes seems unimportant. But I do not know what more I could have done nor could do to meet the concerns of women, except to abandon my objective for these kids, and that I have not been willing to do.

At any rate we have now run out of time. Naturally, I hope this resolution will pass because I think it is a progressive and worthwhile step. But if it is defeated, I repeat my willingness to work with anyone to draft a resolution or bill to better address the needs of children of family

breakup. If I am in some way too much a *bête noire* in the matter of shared parenting, then work with some other legislator of your members' choice.

There are times in this profession of politics when a politician who feels very strongly on some point has to stand alone. I do not enjoy that. It is not habit-forming. But if that is what occurs today it will not be the first time, nor perhaps the last, and I feel confident that the direction I am trying to move us today is the right one.

Ultimately, history will be the judge. I believe that a time will come, and maybe fairly soon, when we will look back in horror and shudder at the days when they gave the kids to one or other parent when families ended.

Mr Jackson: I listened very carefully to the statements by the mover of this resolution. I am not unfamiliar with his position on this subject. We have had many discussions about his concerns in this regard. I respect that he defines himself as an advocate for some sector in society on this issue. However, I cannot agree and will continue to disagree with some of the basic premises which are developed in this resolution.

At the heart of the member's resolution is the notion that mediation is somehow a much better form of dealing with matters of family law than our advocacy system which is currently entrenched in law. The second principle he wishes to entrench in his resolution is that the best interests of a child are generally, if not always, served when joint custody is the preferred model. I happen to disagree with both of those premises.

Having listened to my constituents and having listened in particular to those people who have been victimized by marital breakdown, particularly children and women, who are quite frankly in the majority of cases the victims of separation and divorce in this province, having listened to them carefully, it is clear that they share a concern that the evolution of our family law reforms in this province has clearly brought us to a position now where a lot of fathers' advocate groups have indicated that they wish to somehow turn these reforms around, because they feel threatened by the legitimate advances that have been made by women and children in our family law reform over the last decade and a half.

It is clear to show that property matters were only clarified in the last decade so that property matters on the dissolution of a marriage are more fairly and equitably shared between husband and wife. That was very late in coming in this province unfortunately, but in fact that was the first major gain for women in their right to be

dealt with in a more balanced and appropriate way before the courts. But in no way was that the end of the necessary reform.

We also know that as a reaction to that, fathers' rights groups have not been happy with the gains that women have been making in this area and it is they who have been calling for laws on joint custody, on forced mediation and, as we all know from Bill 124, access enforcement. Some politicians have been listening to this group. Obviously the member in his resolution has been strongly moved to listen to their message, but I have resisted that temptation on the basis of my understanding of the real issues.

I would like to clarify, first of all, that what we are voting on today is a resolution which, quite frankly, is a statement of intent which hopefully will guide the government in a policy fashion. This is not a bill that is before us. A bill would give specific legal language and direction for the government to lift from the table today and proceed to enact it as part of a law. So I am pleased that this is simply a resolution, because I am quite convinced it will be defeated today and I am quite convinced this Legislature will make a more clear statement to the citizens of this province of its views on joint custody and forced mediation.

1020

So we understand what we are talking about here, I want to indicate what the definition of joint custody is. This is very much a legal concept, allowing both parents to share equally in the rights and responsibilities of their children upon separation. It is easily and can easily be used as a tool by men to continue their control over mothers and children without forcing them to take equal responsibility.

As far as forced mediation is concerned—and I use the words “forced mediation” because it is abundantly clear that there is a growing trend in this province, the trend being that because the government is unable or unwilling to organize our court systems more fairly and more equitably and fund them adequately, because of that there are blockages in our court system.

I am very distressed when I see examples in all sectors of society of people being denied access to justice and the government is developing plans. For example, the auto insurance plan is clearly an example of removing people from our court system and access to our courts. There are mixed messages from the Solicitor General (Mr Offer) with respect to police providing appropriate assault charges in domestic violence. In fact, those are not occurring with the degree of

frequency that they should be occurring, because there are mixed messages from the Attorney General (Mr Scott) that somehow our court system cannot cope with the major influx of assault cases involving domestic violence.

Now we have a case where the Family Law Reform Act and revisions upon court access for purposes of separation and determining custody—now we have this attitude that somehow we should limit access to the courts in the best interests of the child by forcing people to mediation. That is why the concept of mediation cannot stand alone without us realizing that this is a form of forced mediation, because it is the preferred option of the courts, and that is the signal that the mover of this motion would have us give our court system.

It means it would force both parties to work out any or all of their issues of separation with a mediator, whether or not that mediator has been properly trained. Also, this dispute resolution mechanism does not recognize or compensate for the power imbalances that exist between men and women when they are forced into a mediation situation. Women, and there are studies to prove this, feel they are coerced, feel they are pressured into situations, because they feel if they did otherwise, they would appear to be unfriendly and unco-operative, and in some way that might jeopardize any of the final settlements that occur to them with respect to the child who is involved.

We visited the entire issue of forced mediation during the Bill 124 hearings and the message was loud and clear from absolutely every women's group in this province and nationally, based on sound research, to show that programs such as the one proposed in this resolution are not working in many jurisdictions. In fact, in California, which was hailed as the major model, they are currently undertaking to dismantle it, because they realize that a child does not have its best interests served when the courts presume that they must share equally with parents who are in dispute.

Our current system is working well from the point of view that the judge has one simple, clear message, that a child's rights and the best interests of a child are first, foremost and paramount. The child, in his best interests, should not be treated like property and divided equally among both parents. He should not deal with compulsory parenting, whether or not a child wishes it to happen. As I learned from California, this is not the experience that worked in that state and it certainly will not work in this province.

I wish to conclude my statements by simply reiterating that the following groups have indicated their lack of support, and I am proud to join them against this resolution: the National Action Committee on the Status of Women, the Ontario Women's Action Coalition, the Federation of Women Teachers' Associations of Ontario, the Family Service Association of Metropolitan Toronto, the Ontario Association of Interval and Transition Houses, the National Association of Women and the Law, the Ontario Coalition of Rape Crisis Centres, the Barbra Schlifer Commemorative Clinic and the Family Law Reform Coalition. I as well, as the member for Burlington South, stand against this resolution.

The Deputy Speaker: We usually follow rotation but there seems to be an agreement between the parties that the next person will be the member for Markham, if that is agreeable.

Agreed to.

Mr Cousens: It is a subject of great importance. I am due in committee at the same time as I am here in the House and I very much wanted to be able to participate in this private member's resolution from the member for Etobicoke-Humber (Mr Henderson).

Before I make any comment about the resolution, I would like to talk about the intent of the member for Etobicoke-Humber, who I believe has a sense of compassion and caring that comes through in this motion, which really touches upon one of the most serious problems of our society today, the importance of providing a loving, caring relationship for our children. The kind of leadership that is expressed by his actions and by his concern, not only as a parent but as a legislator in the service of his own community, is something I would like to subscribe to myself in my own life and as a politician.

If anyone reads the preamble the member for Etobicoke-Humber has read into the record and understands the emphasis he is putting there on the best interests of the child, the need for love and emotional nurturing—he goes on to look at the parents' role, the continuing role. If one looks at our society today with the problems our young people and families are having through breakup, it has to be something that we as legislators should address.

It is tragic that we have only an hour to deal with a subject of such great importance, yet those are the rules so we have to really compress our thinking, our thoughts and words into a much shorter type of crystallized view.

May I say that we had a chance to review these issues in Bill 124 when it was brought before the

House and at that time I was able to bring forward a number of amendments to the bill. Very little consideration, I felt, was given by the government. One of the things we were stressing—I had the full concurrence of the Progressive Conservative caucus when I made these amendments on behalf of our caucus—had to do with the role of the grandparent, with the importance of the grandparent maintaining emotional ties with the child.

Ladies and gentlemen of the House and of Ontario, we have to understand that a family has to be understood in a bigger context than the law sometimes presently allows it to be considered. We tried to bring in amendments that would have given it a position in law so that grandparents had a role. They do have a role, but they do not have much of a one if we look at the laws as now written.

We also pressed for a number of considerations in relation to mediation. I cannot emphasize enough the importance of mediation as a way of bringing families together, of having access. I outlined earlier in the House in the Bill 124 debate how we could begin to address the adversarial nature and the stress that go into the already stressful situation of a marital breakup by having mediation provided in a way where parties to a dispute could sit down together or separately with a trained person to resolve their differences.

In advocating mediation, not necessarily calling for mandatory mediation but rather mandatory entry into mediation as a viable dispute resolution mechanism, we felt there would be a way in which we could have a clearer framework in which mediation could work. We outlined how mediation could be improved on, in the legislation presented to the House by the Attorney General, as to who should act as a mediator, guidelines for the process and levying the fees for mediation. We expanded on these concerns at length.

I would have hoped that the direction the preamble of the member for Etobicoke-Humber would have taken could have led into the mediation role. What I fear has happened is that the conclusion that is arrived at in this resolution we are considering takes us in a direction I am not able to support.

I agree in principle that a child should have a continuous, nurturing and caretaking relationship with each parent, and with grandparents for that matter, where it would be in the best interests of the child. I cannot endorse a process that would automatically assume that situation of

joint custody. Each situation with which we are dealing in a marital dissolution has its own particular circumstances. Each situation should be judged accordingly in a way where the adversarial nature is removed. That would increase the role of a mediator.

What the member for Etobicoke-Humber has done is to bring forward to this House a number of considerations that should be part of our family law reform. I think he is taking it a little farther at this point than I am able to understand and accept. That has to do with the whole joint custody of children. I think it will work in some cases; it cannot work in them all. Somewhere he goes a little too far for me to be able to support him on this.

We are in a position in our society where we have to deal with this as one of the major issues society has to be concerned with. I thank him for bringing it to this House to give us a chance to debate it.

1030

Ms Hošek: I want to speak against the motion in ballot item 31. The wording of the motion expresses a wish for the resolution of family conflict about divorce and about custody in a way that is not adversarial, and I think that is a wish we all wish we could support. The language gives the impression of sweetness and kindness and I understand why some people might be tempted to go along with it because of the way it sounds. We would all like to believe that conflicts can be settled in a reasonable way so that no one is hurt, and in particular so that children can continue to have relationships with all the significant people in their lives.

Unfortunately, the reality is much more grim than that. We live in a society in which one woman in eight is beaten by the man she lives with. The usual differential in power between men and women is even more palpable and destructive in those relationships in which the woman has been battered.

In California in 1980 mandatory mediation and automatic joint custody were initiated by the state, presumably because of the same wish for a peaceful resolution to family conflicts. By 1987 it was apparent this did not work. The Senate Task Force on Family Equity in California in 1987 said: "It is imperative that the impact of California's joint custody and mediation reforms be ascertained as soon as possible. It is bordering on irresponsibility to continue the current system without beginning a systematic study of its impact on children."

In fact, there is a recent study which found that contrary to our assumptions about what processes have what effect on children, "there is no difference for children as a result of the method by which their parents divorced," so the wellness of children was not dependent on how their parents got divorced or organized that divorce."

The real differences for children had to do with whether the parents were able to co-operate with each other and whether there was violence in the family. Because of the grim story of battering in our society, there are going to be parents who simply will not be able to co-operate with each other, and my sense is they should not be forced to co-operate with each other.

I do not believe we can impose compulsory mediation or joint custody on the family law system because of the large number of families in which this is the case. It is unconscionable to require that women, who in many cases with very great pain and difficulty have managed to extricate themselves from a very difficult and violent relationship, then be forced to be hostage to that relationship because they have children. I think that by requiring a woman who is in that situation to do that we would be continuing the violence of which she has been a victim.

In a court of law, each person has a lawyer to represent him or her. In mediation they do not. What that means is that the imbalance in power between the two people involved, which is even more heightened in a situation in which there has been violence, has no buffer, no support for the weaker party. It puts that person in a much more vulnerable position when mediation is imposed on them.

I am very distressed by this motion because I believe that although it was expressed in goodwill, it is really quite a dangerous one. It is because of my sense, which I hope others share, that women in this society already face a disproportionate burden, and those women who have been victims of violence most so, that I would urge this House to defeat this resolution.

Mr Hampton: I am pleased to be able to take part in this debate today because the issue we are dealing with—I should say more properly the issues we are dealing with—is fundamental to the social life of our province today. I want to state directly that I am opposed to mandatory joint custody and I am opposed to joint custody that moves in any way on a mandatory or an advisory mandatory basis.

I want to put clearly on the record why I am opposed to mandatory joint custody. In 90 per

cent of the cases where parents separate or divorce, they are able to work out custody issues amicably without going to court, in many cases without the assistance of a lawyer. There is no doubt that in many of these cases where the separating or divorcing parents work out their custody and access issues, the situation results in joint custody. There is no doubt that happens where the separating parents separate on an amicable basis.

However, in 10 per cent of the cases an amicable separation does not result. That is really what we are talking about here. That is what we are talking about when we get into this sort of thing, those 10 per cent of situations where there will be ongoing strife, ongoing altercation between the spouses. To insist upon mandatory joint custody in those situations or to move in any degree towards a court-influenced joint custody in those situations in my view would be harmful to children and definitely not in the best interests of children.

If the parents cannot agree on the fundamentals of custody in these situations—in many cases they will have other issues to fight about in addition to the custody issues—and if there is going to be continued strife over the issue of custody in these situations, it cannot be in the best interests of the children to be stuck in the middle in a mandatory joint custody situation as if they were some kind of property. That is really what you get down to.

Let me repeat again that where parents are able to work out their custody questions on an amicable basis, joint custody may be a possibility, in which case the parents may come to a decision on their own as to how they can best suit the best interests of the child in terms of their custody agreement. But where there is a division or where there is altercation or where there is divisiveness between the separating parents, joint custody is not an answer.

I also want to address briefly the question of mandatory mediation. Several speakers have already referred to the trials with mandatory mediation in the state of California, and indeed it has been tried elsewhere in the United States. For a while it was the fad, the way to go in the United States.

Earlier, in this Legislature, some months ago when we were addressing Bill 124, the bill that it was hoped would deal with access, we had occasion to review the situation in California. I will repeat what has been repeated here already earlier today, that the situation in California has turned around radically in 10 years. Whereas

social policy experts and child welfare experts in that state at one time favoured mandatory mediation, that is no longer the case. It has been recognized that in many cases when parents separate there is not always an equal footing, that you do not always have both parents operating on an equal basis.

In many cases you have situations of abuse, a history of abuse. In other cases you may simply have a situation where one parent has all the financial assets or all the capacity to live in financial security and the other parent does not. Usually it is the woman who lacks financial security and in almost every case it is the woman who has been physically abused. To then ask and expect that you can require both of those parents to be in a mediation situation and that there is going to be some sort of equality emerge, that there will be a capacity, one vis-à-vis the other, to stand up for one's rights and not be forced into an agreement one does not support or believe in, I think ignores some of the fundamental issues of politics in our country and in our province today.

1040

If you do not have equality in a bargaining situation or in a situation that is supposed to lead to an agreement, you will not get an agreement that is in the best interests of the party who is in an unequal situation, and I suggest you will not get an agreement that will be in the best interests of children either.

I want to go on and talk briefly about this private member's bill in the context of some of the legislation the government has been bringing forward.

I appreciate why the member has brought this private member's bill forward. I understand his motives. In the context of Bill 124 and the access issues, which were dealt with over the past two years in this House, I want to point out that if some parents have difficulty in terms of seeing their children, in terms of establishing a relationship with their children, there are other ways to deal with that issue.

One of the ways is to provide access centres in this province, access centres where if parents are in dispute, if parents who are former spouses are in dispute, a child can be left with an access agency that has all the required supervisory capacity and so on for the father to visit, or as the case may be for the mother to visit, on a supervised access basis. In fact, two of these projects did exist in this province not long ago. One was in Lakeshore, the Lakeshore Area Multi-Service Project, which operated Access

for Parents and Children, and there was a pilot program in the city of Kitchener-Waterloo.

What these programs showed was that in many cases parents who had difficulty sorting out this custody issue, who had extreme differences over it, were able over a period of time, through the help of these access centres, to develop a more normalized relationship in terms of exercising access to their children. Over a period of years, starting out with supervised access, then moving to unsupervised access and then moving to a more trusting relationship, some of these even moved to a situation where there was joint custody negotiated on mutual consent.

I think there is great potential for dealing with this social issue. There is great potential in terms of funding more centres that provide supervised access for parents, and over time parents can work these situations out. Alas, however, the government will not provide funding for these agencies.

The Ministry of Community and Social Services withdrew funding for the pilot project in Kitchener-Waterloo and the very successful LAMP in Etobicoke never, ever was funded by this government. They always had to rely on voluntary funding from churches. So that whole prospect, that whole program has collapsed and one of the alternatives, one of the options in terms of dealing with this very important social issue has literally gone down the drain.

Do the ministers know what is happening today? People who formerly worked at Access for Parents and Children are being telephoned by family lawyers in this province and are being offered \$70 an hour to supervise access. That is how shameful the situation is in the province today.

I understand the kinds of problems the honourable member has seen and I understand the motivation. I disagree with his project, but I also disagree fundamentally with this government's lack of regard for the problem and this government's lack of funding for potential solutions for this problem. It is absolutely disgraceful when a social worker is telephoned in this province and offered \$70 an hour to supervise access for one hour because you cannot get supervised access anywhere else.

Grandparents also figure in this calculation. I want to say to the honourable member that I do not think this is the way to go for grandparents either. I think there is an option for grandparents. There is a way the existing law could be amended so that grandparents would receive some recognition. As it is, the Children's Law Reform Act

basically says that anyone is entitled to custody of a child and access to a child if it is in the best interests of a child.

All one needs to do, I think, is to put into the Children's Law Reform Act a clause that creates a rebuttable presumption, a clause that could say it would be presumed to be in the best interests of the child that grandparents have access to their grandchildren, but it would be a rebuttable presumption. If you could introduce any kind of evidence at all that would show it is not in the best interests of a child, then grandparents in that particular case would not get that kind of consideration. We all know of situations where parents have separated and where because the former spouses cannot get along, no matter what kind of decent caring relationship the grandparents had with the grandchildren they do not get to see them either, because again, the former spouses cannot get along.

There is a way, as I point out, to give grandparents the consideration they deserve and to give children the consideration they deserve in terms of establishing warm and decent and rewarding relationships with their grandparents.

As I say to the honourable member, I do not think this resolution measures up to the social policy issues that really have to be dealt with here, so I will oppose it and I expect that many of my colleagues who I have spoken to about it on numerous occasions will be opposing it as well.

In closing, I want to point out a statistic that was provided to me earlier this morning, just to show members what we are talking about. I will get back to the central issue here, mandatory joint custody. The London Family Court Clinic is essentially a clinic of social workers, psychologists and psychiatrists who help or try to help separating parents deal with the difficult issues of custody, again from the perspective of the best interests of the child.

At the Family Court Clinic in London, joint custody is recommended in only five per cent of the cases. Keep in mind that the cases they see at the London Family Court Clinic will be cases where there is a dispute. You see a dispute in only 10 per cent of the cases. Just to give you an idea of the magnitude, you have all of these cases where parents separate and you have children. In 90 per cent of those parents are able to work things out themselves in terms of the custody and access relationship. In 10 per cent, they cannot. Those 10 per cent usually wind up going to court. In only five per cent of that 10 per cent figure does the Family Court Clinic recommend joint custody.

That is how seldom they think joint custody will work in terms of the best interests of the child. If you cannot negotiate it, if parents cannot negotiate it on an equal basis, amicably, then in very, very few cases will the Family Court Clinic recommend it.

I thank the House for the time to address this important bill.

1050

Ms Oddie Munro: I am delighted to join in the debate on this resolution. I should say at the outset I am against the resolution and will so vote. I am totally opposed to any move which leads us towards mandatory or compulsory mediation and mandatory or compulsory joint custody.

Joint partnership custody is based on the premise that a partnership is possible and workable and meets the best interests of the child. A search of the psychological and social research involving the helping professions—ie, social workers, psychologists, psychiatrists, legal workers and church workers—reveals difficulties in defining “partnership” as it relates to mediation and joint custody, and recruiting significant numbers of subjects willing to participate in studies on partnerships or who would even fit within acceptable working definitions of “partnership.” In fact, research reveals that mediation partnership custody only works with a restricted group who are willing and able to mediate and partner.

The reality of the majority of separation, custody and divorce proceedings is that there was a marriage breakdown of such significance that the couple must separate for reasons of irreconcilable differences occasioned by psychological or physical harassment, violence and accompanying social and economic concomitants, including financial events and breakdown of health occasioned by stress. The reality is that the environment in which the vast majority of couples and children find themselves is negative and destructive and at risk, especially for women and children, and that the probability of a positive partnership custody existing and surviving is therefore low.

Any directive which forces partnership custody will cause untold continuing damage to the family and the new or extended family. It will be particularly damaging on women and the children, who will simply be subjected to “more of the same.” It is in fact a step backward in family law reform.

Finally, I should remind the Legislature that it is currently possible in a voluntary way for

couples whose marriage breakdown was not personally injurious to either partner or children to enter into partnership custodial and access arrangements and to avail themselves of mediation without legal representation. I therefore reiterate that I am against the resolution and will so vote.

Mr Fleet: I believe the opposition parties have used their time or their speakers are completed and I anticipate that our party will then speak in succession until our time is used.

The Deputy Speaker: That is correct.

Mr Fleet: As the member for High Park-Swansea, as the parliamentary assistant to the Minister without Portfolio responsible for women's issues and as a lawyer who has practised in the area of family law, I rise to speak strongly against this resolution.

This resolution is a wolf in sheep's clothing, because a careful examination of the final clause reveals a proposal for a presumption of joint custody which would apply except in very hard to prove circumstances. This resolution proposes a new legal test that deviates from the almost universally accepted test of the best interests of the child. This new proposal would force a parent opposing joint custody or frequent access to convince the court that such an arrangement would have a destructive influence on the child's development and wellbeing. This moves the legal decision from a positive emphasis on what is best for the child to a negative approach. Simply put, this new test would put more children at greater risk.

A decade ago California implemented a state policy encouraging divorced parents to share child-rearing responsibilities. Subsequent evaluation studies in California showed that when parents are involved in ongoing disputes children with more frequent access to both parents are more behaviourally disturbed and emotionally troubled. Such access was clearly not in the child's best interests. California has now passed legislation declaring that there is "neither a preference nor a presumption" for joint custody.

Joint custody of children will work only when both parents co-operate, support each other's parenting skills and do so with truly free consent to such an arrangement. Adoption of this resolution could lead to policies or practices which would increase the risk and danger for both children and women in our society. This is particularly so when there has been violence in the family. As our wife assault prevention public information program has highlighted, one in eight women is assaulted by her male partner. It

is shocking, but true, that over half of these assaulted women continue to be assaulted after marital separation.

Joint custody or frequent access to children inevitably means more contact between the parents and therefore more opportunity for wife assault to continue. In cases involving child abuse, including sexual abuse, joint custody and frequent access by the abusive parent is very clearly not in the best interests of the child.

This resolution also presumes that mediation without having lawyers present is preferable to the current process of resolving custody and access disputes. However—and I might add I also speak with some experience as a mediator in labour relations situations—in order for mediation to work both partners must have a relatively equal bargaining and negotiating power. This is simply not the case for many women. It is particularly not the case for women who are victims of wife assault, as violence and threats and other forms of intimidation are a completely unjustifiable means to exert control over another person. We should also bear in mind that over 90 per cent of all matrimonial matters are currently resolved without a trial and that in the vast majority of cases people are completely able to avoid resorting to the courts.

The current adversarial process offers safeguards which are especially critical for children and for women, but these safeguards are not present in this resolution. Therefore, once again I urge all members to reject this proposal.

The Deputy Speaker: The member has that time left plus his habitual two minutes to wind up.

Mr Henderson: I want to thank all the speakers who have spoken. I hope some of them also read the resolution before they spoke. I do not want to embark on rebuttal really, but I do want to just mention some points of information and, shall I say, perhaps points of misunderstanding.

I think one speaker suggested I had been very influenced by fathers' rights groups in this resolution. That is not so. I have not heard from them nor spoken with them for over a year, I think, and they are not a factor in this resolution at all.

The resolution says nothing about joint custody. It refers to shared parenting and parenting agreements. A shared parenting agreement does not require a warm, supportive relationship between separated spouses; it requires a businesslike relationship and good faith on the part of

the spouses and their willingness to comply with a parenting agreement.

This resolution contains no move to force mediation on anybody, nor especially to limit access to the courts. In California—I almost think there are two Californias. Depending on who you talk to, you get different information about what is going on there, but my information is that California recently beat back a 32-amendment attempt to water down its joint custody statute and that joint custody in California, shared parenting, is proceeding much as it had before, with something like 80 per cent of California decisions in the area of a shared arrangement.

Somebody said something about automatically assuming joint custody. This resolution does not. It does not even mention joint custody. It certainly does not contain anything that would impose anything on anybody, and one of the speakers even insisted on continuing to call this resolution a bill. It is not a bill, it is a resolution, and the implications are quite different.

I just want to emphasize a few points. I am very sceptical of the view that women need courts and an adversarial process rather than mediators to get fair treatment. Of course, the courts will always be there to turn to when anybody chooses to, but many mediators, a majority at meetings of their societies that I have attended or represented, are women. Feminists and others have criticized the courts for decades as paternalistic, chauvinistic and biased against women. I do not agree that women cannot hold their own in family mediation, and that view to me seems very patronizing to women.

I often hear it said that shared parenting is available right now under Canadian law, so that no change is needed. Yet 80 per cent or 90 per cent of custody awards in Canada are sole. So unless we assume that 80 per cent or 90 per cent of couples contain an incompetent or abusive mother or father—and I do not assume that—some kind of change or shift seems to me to be needed.

1100

There is much, much more that could be said, but we are nearly out of time. As so often happens in social sciences, the research data are conflicting. They often reflect the bias of the researcher and I believe that helps us rather little as legislators, but here we have, in my view at least, a very progressive resolution.

I think custody reform is a little like Senate reform. Nobody seems to like what we have and it is easy to get a consensus about changes not to make, but constructive reform is very hard. We have had a useful airing and I repeat that I think

we will some day look back in revulsion on the days when they gave the children to one or other parent when families ended.

The Acting Speaker (Mr Cureatz): If I may so indicate to the honourable member, you still have two more minutes, if you would like to conclude your remarks.

Mr Henderson: The clock was doing funny things there for a second.

I want to take a minute to highlight some of the California research and I will do so quickly, touching only on some key points. The Pojman study compared four groups of 20 boys and found the boys in shared-parenting arrangements about as well adapted as the boys in happy intact homes and the boys in sole custody about as badly adapted as the boys from unhappy intact homes.

The Ilfeld study found that relitigation was half as frequent following joint-custody awards as following sole-custody awards. Support payment compliance is much higher with joint versus sole custody; 85 per cent versus 34 per cent. The Ahrons study of divorced parents found that most were able to maintain a shared parenting relationship in ways that were satisfactory to them. The Abarbanel study found joint custody to be working well in several families subjected to an in-depth dynamic study. The Nehls study found that 11 of 12 children, following joint-custody awards, were satisfied with the custody arrangement—that is the children—and that all the parents were satisfied.

The Steinman study of 25 joint-custody families found that the children did not suffer loyalty conflicts. The Woolley study of relatives, judges, lawyers and psychologists concluded that shared custody is best for the emotional health of children and parents. The Ricci study followed cases for eight years and found that shared parenting worked under a wide range of circumstances including geographic separation and, believe me, there is much, much more research out of California, Louisiana and Illinois that I only wish we had time to debate.

NATIVE HEALTH SERVICES

Mr Pouliot moved resolution 33:

That, in the opinion of this House, recognizing that health care is totally inadequate for Ontario's first nations people, and recognizing that aboriginal people's requests for improvements are often not met because of jurisdictional disputes between the federal and provincial governments and further recognizing that Ontario's indigenous peoples want some control over the provision and delivery of their health care, the

government of Ontario should immediately take whatever measures necessary to ensure that:

the level of health care services to Ontario's first nations is at the same level as other Ontarians;

the jurisdictional disputes between the federal and provincial levels of government are reduced and eventually eliminated; and

a process of giving control over the provision and delivery of health care services to the first nations is developed and implemented.

Mr Pouliot: Mr Speaker, as you are most aware and members of the Legislative Assembly of Ontario are aware, we have some 120,000 aboriginal people in Ontario, although the Indian Act confers status to only 80,000. Many of those 80,000 people live in the northern part of our province, experiencing living conditions that are unthinkable in other parts of Ontario.

There is a desperate lack of services in those communities, and I am talking about things that we take for granted—basic, essential services such as running water and electricity in some cases, or if they have electricity, more than 20-amp service so that they can have more than one little hot plate for essential services. We are aware of the despair that the people who were here first, our first Canadians, have to experience in this day in 1989.

Let me share with members some statistics about children, and I see some young people in the galleries who are paying us the compliment of a visit. Infant mortality is twice as high among natives as compared to other Canadians. Life expectancy is 10 years less, so men or women can chop 10 years off their lives. That is what it means; these are real statistics. We live in the same country, sometimes we live a few miles apart, but if one lives on a reserve in Ontario he will live, on the average, 10 years less—10 years of missed opportunities, if you wish.

The suicide rate is twice the national average, but for a young male between 15 and 24 years of age it escalates to six times. He is six times more likely to commit suicide if he is a male, lives on a reserve and is between the ages of 15 and 24. Substance abuse—we have been through that before collectively. Living conditions—the list is almost endless. The list goes on.

Let me illustrate vividly some of the things that happen. We talk about a good lifestyle so we say, yes, it does require a good diet, but the people do not have too much money. They go to the Hudson's Bay store in Kashechewan and a head of what is really rotting lettuce costs \$2.24 and a litre of milk is \$2.51. So what do they do? They

buy sweetened condensed milk at \$1.45 and feed their kids with it and then they get diabetes. It goes hand in hand. These are the living conditions they experience.

When they go to the nursing station, there is a nice poster, and I want to share this with members: it says one should brush one's teeth after every meal, when we get up in the morning and before we go to bed at night. That is quite all right, but they do not have any running water. They have to go and get the water out of the creek. Members know how difficult it is to instil discipline in young people, but when they do not have the basics it becomes almost impossible to monitor compliance to do so.

There is another poster describing how to get rid of scabies. Most of us have never heard of scabies; it is of yesteryear. One must take three baths in two days and then have the special ointment that is applied, and the scabies will go away. There, again, we miss one very basic component in our nothing short of prophetic advice to people: we must give them running water. They cannot heat a little pot with two cups of water with a 20-amp service and expect to take a bath in it to get rid of the scabies. In the real world it does not quite work that way.

1110

We are talking about a very different world. I had the opportunity to spend a week on the shores of James Bay, where James Bay and Hudson Bay meet. I then took another week—we do this quite often—and went to the shores of Hudson Bay, including Fort Severn, which is the northernmost community in Ontario. Our task force was there to listen to the grievances of people and to find positive measures to address their needs. Our task force took on what became a mission. Our task force eventually, at its conclusion, became a crusade.

Mr Speaker, you had to be there. It is one of those situations where you try to describe conditions in the the Third World but you really have not been there. You know it is bad. You know it is wrong. Your heart tells you that. You know that something should be done. But in the end, it is too far, it is too remote, too distant, so it does not become something of immediate concern, but a concern indeed, yes, it is.

In times of—and it is the Christmas season—conspicuous consumption, where wealth is so apparent and so visible at this time of year, self-interest almost becomes a measure of life. I ask for understanding through this resolution because I think it does transcend political affiliation. One does not have to be a member of

the Liberal Party, the Progressive Conservative Party or the New Democratic Party. We are talking about people. We are talking about how we treat and how we view each other; how we treat our neighbour; really, how we treat ourselves; how we complete ourselves as human beings; how we complete our lives.

This is what the resolution says. It does not score any political points. It talks about Ontarians. It talks about ideals. It talks about a credo for us and the opportunity to send a message to others who need our help.

I will take the remaining time and tack it on to the additional two minutes.

Mr Eves: It is a pleasure to rise in the Legislature this morning and participate in this debate, especially on what I think is a very worthwhile and deserving private member's resolution. I would echo the comments of my colleague the member for Lake Nipigon (Mr Pouliot) that this is an issue that transcends political party stripes and boundaries, if you will. It is a very real issue about justice and equity for all in our health care system in Ontario.

I would like to begin my remarks this morning by quoting a few examples of what life, unfortunately, is like for some of our first people, native people, in Ontario. For a matter of several years, the Ministry of Health, through the auspices of James Bay General Hospital, was illegally charging native patients for chronic care. When they discovered the error, they retroactively passed regulations on 7 April 1989 to justify the payments that they had been taking without legal authority from native people receiving treatment at those two centres.

Mr D. R. Cooke: For what years?

Mr Eves: From December 1984 to 7 April 1989, in the case of one, and from December 1986 to 7 April 1989 in the other.

The council of chiefs and elders in the area was very concerned and disturbed by Ontario regulation 207/89. They said, and I quote from their document:

"We consider Ontario regulation 207/89 to be a clear and disturbing signal from Ontario. In July 1988 we wrote to our MPP, the Honourable René Fontaine, for his support of our self-government initiatives. In October 1988 we presented Ontario and Canada with a draft political accord. In December 1988 we wrote to the Minister of Natural Resources proposing to establish a new relationship. In January 1989, a written invitation was sent to the minister responsible for native affairs, the Honourable Ian Scott, to engage in direct self-government

negotiations relating to education. Most recently, on May 25, we wrote to inform the Premier of our opposition to Ontario Hydro's plans to develop our rivers.

"In each case we have received no reply whatsoever. Is this how Ontario wishes to deal with its first nations? If so, we can only conclude that this government has lost the respect it once had for our citizens."

That is but one of many examples, Mr Speaker. I would be pleased to give you some others.

In Fort Albany it is all but impossible to recruit and retain professional people. There should be 14 nurses on duty at all times in Fort Albany. Unfortunately, there rarely is. Those who sign on leave, on average, within a year. Many receive only visits by nursing staff, not permanent nursing staff. They for sure only receive visits by dentists. Other health care professionals are virtually nonexistent.

In Fort Severn a doctor visits once every three months, a dentist once every six months. There are no nurses and only a small health clinic with community health representatives. The equipment is often inadequate. Lack of a good X-ray machine is a common complaint. Ambulances are unheard of.

Presently in the north many communities have native community health representatives, and these workers provide the much-needed language skills and cultural identity with their patients, but they lack professional medical training. They are often called upon to provide care far beyond their qualifications. Even giving birth in northern Ontario to our native people becomes an ordeal, and women are routinely flown out of their communities, away from their families, two weeks prior to their due dates. I do not think that is a very acceptable standard of health care in our province.

To emphasize my point, instead of going through all these newspaper articles and what problems they document, I will take a few minutes of your time to read the headlines only: "New Democrat Task Force on Health—Here is a Litany of Concerns for North"; "Health Care in North Shocking"; "Author Says 80 per cent of Natives Experience Violent Death"; "Disabilities More Likely on Reserves"; "Disabilities Hit Indians on Reserves at Almost Twice the Rate in Non-Natives"; "Council Supports Treatment Program for Native Addicts"; "Northern Indians Should Control Health Care"; "Annie is Getting Too Old to Care for Herself"; "In Native Towns, Good Medicine means Plain Talk"; "Consulta-

tion with Bands on Health Care Urged"; "More Medical Training Needed"; "Health Aid for Natives Criticized before Panel"; "Cross-cultural Crime Up, Medical Doctor Warns"; "Health Care Hampered by Overworked MDs, Inquiry on North Told"; "Province Urged to Play Greater Role in Native Health Care"; "Inferior Health Care Frustration for Doctors"; "Quality of Medical Care could Crumble, Health Inquiry Told"; "Native Travel to Get Treatment Bumped by Airlines"; "Sioux Lookout MDs Arrogant, Probe Told"; "Indian Woman Delivered Child in Outdoor Toilet."

Is that the standard of care we want for our native people in the province of Ontario? I would hardly think so.

I think that what is needed perhaps is best summed up in a document by the Ojibway Tribal Family Services, which operates out of Dryden, Ontario. In a brief, they provided what they think are the necessary steps for the provincial government to take, and the federal government too, required to give them the health care that they deserve.

Indian people need to be trained as professionals to provide health care in institutions. They should be found in the front lines of hospitals as nursing assistants or ambulance workers, but especially as interpreters. Non-native professionals need to be sensitized to the culture, language and traditions of the first nations like Ojibway or Cree.

1120

Fundamental to all these needs is that the first nations be given the power to carry them out themselves. In the words of the Ojibway Tribal Family Services, they feel that they require the following. They appeal for assistance in their struggle to become a people of pride and confidence to do things for themselves.

"The moneys are there, but they are not getting to our people, but rather other groups are administering them on our behalf. The bands in our area can no longer tolerate this method of delivery of program to our bands. We are asking you to go and share these concerns with the provincial government so that our people can work to create a healthy place. Our people want to do things for themselves. They want to prevent the fear that our people have in coming to the present health care givers and administration. Our people only want to prevent deaths due to fear and lack of understanding. Our people want to develop their own workers to provide strong health care for their people. Our people want to provide tools for their people to provide their

own and strong healthy institutions and organizations. Our people now want for you to join hands with us and make our circle strong again. One step along the way to power of self-government would be to ensure significant native participation in district health councils."

I do not think that those are unreasonable requests. If we pride ourselves, as we often do, on having one of the best health care systems anywhere in the world, surely we can do something for the founding people of our country.

In another submission from a different group of native peoples representing communities along James Bay, they recommend the following and say that there are these eight gaps in services for people in those communities: no residential program for children and adolescents characterized by serious behavioural or emotional disorders, substance abuse or suicidal or self-injurious behaviour; no residential life skills program for young men and women who, without this training, would end up in jail or psychiatric hospitals and progress in a downward spiral of separation from their roots and daily unhappiness of an intense degree; need for detoxification centre for alcoholics; need for a program directed at family violence which would include community-based outreach counsellors; a program for men who are violent and support groups and temporary safe homes for women and children; no community-based follow-up for patients returning from psychiatric hospitals; need for culturally relevant community residential arrangements for the elderly that rely on traditions and not on a centralized nursing home; need for resident physicians in each community or, at the very least, longer visits, and the need for frequent audiological and optometric services in the community so that people, especially children, do not have to travel.

I do not think that any of these requests are unrealistic. I do not think that any of these requests should be denied.

I will finish my remarks with a few quotes that were given to the New Democratic Party task force at the conclusion of one of its hearings.

"The challenge is to ensure equitable access to the conditions leading to good health. Equitable access to good health can no longer be considered an afterthought or a marginal issue, no longer one of impulse or charity, but one of justice. Therefore, it is of the utmost importance that the provincial government address a new policy framework that is more comprehensive and

proactive and designed to the needs and aspirations of aboriginal peoples in the province.

"The solution lies in the provincial government reorganizing its priorities to address the specific health care needs of native people. Existing funds should be utilized to support innovative and culturally appropriate health promotion and preventive health to support initiative by native people. Provincial funds should be directed towards programs that will promote a holistic approach to wellness, self-responsibility for good health and alternative health care systems of healing. The provincial government should promote the development of native delivery systems that will address the critical service areas in urban and small communities.

"Until the provincial government seriously addresses the health care needs of aboriginal people, the spirits and hearts of aboriginal people will remain broken. The aboriginal nation will continue to be at the bottom of the social and health scale."

What are they requesting? They are requesting our assistance to assist aboriginal people in utilizing their own power through the empowerment of communities and individuals so that they can achieve good health by the year 2000, which is the year they choose as a realistic goal. I think that is a realistic goal. With the goodwill and co-operation of all members of the Legislature, regardless of their political stripe, I think we can achieve those measures. I think it is the very least we can do to lead to a dignified, fair and well-serving health care system for our first people.

Mr Miclash: First of all, I would like to congratulate my colleague the member for Lake Nipigon on bringing this most important issue to the attention of the House in his resolution today. As the Speaker will know, we share two of the largest ridings in the province, his being the largest, of course, and mine being the second-largest, so we do have a good number of common concerns.

Today it is my privilege to bring to the House some of the recent developments that I, as a member, have seen in the delivery of health care to Ontario's native people.

Let me begin by saying that we realize this is a very extreme, difficult area in terms of jurisdiction. We know we are dealing with both the federal and the provincial governments in the delivery of these health care services, and it does add a little bit of strife to the problem. We know that, historically, the native people have looked

to the federal government to provide their health care and many of their other social services. Increasingly, however, the provincial government is now becoming much more involved in bringing these health services to the native people. It is the two levels of government, along with the native leaders, that still have a way to go in resolving a good number of issues that have been brought forth to the House today.

I am very happy to bring to the House some very definite progress that I have seen in the recent years that I have been a member in the north, some progress that has come to us in the north, as well as throughout the province, knowing that we are culturally sensitive to the needs of our native people.

For more than a year now, the Ministry of Health has had a native health co-ordinator. The job of this person is to devote his energies entirely to formulating new programs and enhancing existing ones in the area of native health care.

Underlying all the recent changes in native health care has been the genuine desire of this government to put the people themselves, whether on or off the reserves, more and more in charge of the direction in which they want the delivery systems to go. I think that is a very important step in involving the people who are going to be involved in this health care in the decision-making at the community level. I have always said that the best decisions can be made at the community level and then brought to the provincial government.

Mr Speaker, I would like to bring an example to you from Kenora, the largest centre in my riding, where we have a native healer program which is in the works at the present time. I was able to get firsthand knowledge of this program, being a former member of the Lake of the Woods District Hospital board, and I must say that I do not think I have ever seen a program that has been so proactive to the native health needs. What it involved was the referral of native people to local healers. We would take our native patients and be able to refer them to these native healers, a program that was very successful.

As well, I was able to examine a treatment centre at Thunder Bay. It is a treatment centre on the Fort William reserve, which members may know is adjacent to my riding. We find the province of Ontario contributing a good deal financially—\$300,000 on an annual basis—towards the operating of this centre. I must say that this is one example that we have seen of the way both the provincial government and the

federal government have come together to work together on culturally appropriate centres to help the native people with their problems.

1130

As well, we have often heard that it is a goal of this government to ensure the level of health services is available to native people as it is available to other people in Ontario; that is, all other Ontarians. Of course, one of the great difficulties in accomplishing this goal is the division that we have within our native groups. We have both status and nonstatus aboriginal people.

As we also know, more than a year ago the Attorney General and minister responsible for native affairs (Mr Scott) spoke at length in Ottawa regarding the possibility of eliminating this distinction between the two groups of native people. His far-reaching proposal, which would guarantee all native people in the province full citizenship in the province in which they live, our province of Ontario, is still being considered by both levels of government, the federal and the provincial, along with the native leaders themselves. A new tone, one of seeing boundaries between peoples disappear, has been injected into the ongoing jurisdictional debates. I am happy to see that. I see results of that every day.

In another centre in my riding, the town of Sioux Lookout, we see a good number of attitudes changing. This is taking place at this very moment in Sioux Lookout, where we are looking at the amalgamation of both the federal and provincial hospitals under a local health authority. This is at the conceptual stage right now. I am happy to say that the mayor of Sioux Lookout is in the gallery today, one of the strong proponents of ensuring that this is going to continue on. As I say, it is in the conceptual stages today, but we are looking forward to growth in that area.

I guess the ultimate goal of everything I have been speaking about in my presentation here today is the greater empowerment of native people themselves. Such changes will, as we know, require many constitutional changes, and we all recognize that takes considerable time and discussion. I think we are moving in this province to provide many vehicles, as many vehicles as possible, for our native communities, as I said earlier, to develop their own programs.

Again, I would just like to thank the member for Lake Nipigon for bringing this to the attention of the House. I congratulate him in his resolution and would like to let him know that I am in full

support of what he has said here today in the House.

Mr B. Rae: I am delighted to be able to participate in this debate. First of all, I want to congratulate the mover of the motion, my very dear friend the member for Lake Nipigon. Like all in this House who served with his predecessor, Jack Stokes, I certainly regard Jack Stokes as one of the real heroes of Ontario politics in the life at this Legislature. I would say that, together with Mr Stokes, the member for Lake Nipigon shares a special sense of his responsibilities and his relationship as a representative with the native people in his constituency, or as Jack Stokes would always say, the first citizens of Ontario.

It was at the beginning of my career here as leader of the party that Jack Stokes took me aside and said, "If you are going to understand Ontario you've got to get north of 50, you've got to spend time talking to native people, you've got to get out and visit the reserves and you've got to spend time doing that." It was one summer when we combined a bit of recreational fishing with the then reeve of Manitouwadge, whom I had never met before, who is always a particularly welcoming and warm host to the community. We visited several reserves north of 50 and had a chance to meet with many chiefs, with many elders and to see first hand the conditions in many, many of the communities north of Pickle Lake.

That experience stayed with me as I began talking and meeting with chiefs in other parts of the province, realizing that really we have in our Ontario family communities that are forced to live in conditions that are completely different from conditions faced by any other group of communities in Ontario and, indeed, in Canada.

This is not a particularly novel statement, Mr Speaker, but I would simply ask you to imagine, if you would, a community of 500 or 700 or 1,000 people in which the majority of people have no running water; in which there is no efficient or environmentally acceptable sewage disposal; in which over half the people are living on social assistance; in which there are, apart from the traditional hunting and fishing, which in many communities is becoming increasingly difficult as a source of sustenance and as a way of life, literally no jobs other than those provided by the mission or by the Hudson's Bay Co or by various government services; communities in which birth rates are exploding, which is quite the opposite pattern in the rest of the province; kids who are drinking water that is untreated and full of bacteria, which means that many of the

children, from the time of birth, are suffering from chronic diarrhoea and chronic food and appetite problems; in which there are only the most basic of health care services and only the most basic of services being provided.

This is not just one or two houses, this is not just a small area in a metropolitan area; this is the life of the whole community, with the exception of the mission, be it a Catholic mission or an Anglican mission, the Hudson's Bay Co or the equivalent thereof, Northern Stores or whatever they may now call themselves, and the government offices. This is the life, this is the way it is.

Very few people in the rest of the province understand that. We do not see it. There are no television cameras that tell us that this is what life is like. The communities are completely isolated, except by communication by plane. Of course, we now have the miracle of television. Many of them have offices with computers, but we still do not have basic sewage treatment. We still do not have running water. We still do not have the basic elements, in terms of decent housing and housing which will last, which we would recognize as fundamental to our sense of what it takes to live a decent life.

People die earlier; suicide rates are much, much higher. The rates of alcoholism are high, drug abuse is a real problem, glue sniffing and gasoline sniffing among young kids is rampant. You have a whole population of young people who come back from school—where they are sent off to residential schools—they come back aged 14, 15 and 16 for an entire summer, and there is nothing for them to do.

In some communities sexually communicable disease is a problem, which is inevitable, given the fact that people are living so close together, frankly, and given the fact that there is so little in terms of other recreational activities for kids. What we see happening is the inevitable result of the social conditions which our society has allowed to not just exist, but to grow. Again, this is not unique to northern Ontario; this is the native condition in Canada today.

1140

I want to say this about what we are suggesting: Health care is one example, one area where this province has a responsibility. I know full well that there is a very powerful argument that says quite simply, "No, it's an area that must be left exclusively to the federal government." I want to say to this government, if it takes that approach in terms of funding, then we are basically saying to the native people, "You're on

your own," because in terms of the federal government the stuff just is not happening.

What we are suggesting, and what I am suggesting, is that what we need to establish in Ontario is a sense of what are the basic conditions of life that should apply to every community in this province.

I think every community in this province is entitled to electricity. I think every community in this province is entitled to running water. I think every community in this province is entitled to sewage treatment. I think every community in this province is entitled to the basic minimal conditions in terms of housing and social standards which we would feel are acceptable for where we live. There is not a member here who would accept living in a community that did not have running water, that did not have sewage treatment and that did not have basic health care.

I think we are beginning to realize that the health care problems are so visible and so strong, as we experience when we travel in the north. I have been up to James Bay and stayed overnight in the communities on James Bay last winter. We were again up north of Pickle Lake this summer. The member and I went up to visit it together, the most northern community in the province, the community of Fort Severn, where we had a meeting at night and we were talking to the elders about conditions.

The reality is that unless the provincial government provides funding which the native people can then allocate and control themselves, funding which will get into the hands of the communities and be used by the communities, we are simply going to continue to see thousands of people in our province living in conditions of poverty, living in conditions of little hope and living in conditions which, as I say, none of us would accept under any circumstances as a tolerable or acceptable way of life for our fellow Canadians.

This is one of the central challenges of Canadian life and of Ontario life today. Either we deal with this problem, negotiate with the chiefs, negotiate with the native people and create an independent health care service for northern Ontario as it affects our native people, or we continue to ignore it. This is a challenge. We must not ignore it because the future of children, the future of our communities and the future of our sense of what we owe each other is at stake.

Mr Pollock: I believe I have got only about one minute left, but I just want to compliment the member for Lake Nipigon on his resolution. I have listened with interest to the concerns and

some of the problems facing our native people here in Ontario, particularly in the north.

I represented a reserve in the old part of my riding. Then when the boundary was changed, I inherited and now represent a reserve in the new part. These people are only roughly about 15 kilometres from two major hospitals, and I am sure they are not that far from dental service or that sort of thing, so it is not a major problem in my area as it is in some of the remote areas of northern Ontario.

Nevertheless, I compliment the member for Lake Nipigon on his resolution and the fact that, as was mentioned here already, a dentist goes to, say, a place like Fort Severn only every six months. That is totally, as far as I am concerned, unacceptable. The doctor only visits, I believe it was stated, every three months. That is a long time to wait if you have got a problem. I just wanted to put that on the record.

Mr Brown: It is indeed a pleasure and an honour to be participating in this debate this morning. I certainly would like to thank the member for Lake Nipigon, the recent star of national radio and television, for bringing this important subject to the Legislature this morning. I would also indicate to the assembly that I will be supporting this resolution and I thank the member for framing the question in a way that all members of the Legislature can support it.

My colleague the member for Kenora (Mr Miclash) has raised some good and interesting points. He has mentioned that this government has been encouraging native people to develop their own health care programs. The government has been doing this in all of Ontario through the community health care model. Several of our native communities are participating through their district health councils.

I have the privilege and the honour of representing eight first nations in this assembly. The issue raised by the member for Lake Nipigon is most important to the wellbeing of my constituents. Health services to my constituents, to the natives in my riding, are very important. But I believe that health is not merely a matter of treating disease and illness. Rather, a holistic approach is needed which addresses the infrastructure and the socioeconomic problems we have on the reserves.

Before I go on to describe some of the ways health promotion activities are being fostered in the native communities, I would like to point out some of the details of how the current funding arrangements work. Many of the members are probably not aware that the provincial Ministry

of Health pays the entire cost of health insurance for all status natives in this province and there is no recovery from the federal government. This is in a time when the funding from the federal government to the province of Ontario has dropped to 38 per cent from 51 per cent.

Public health program funding is done on the reserves the same as it is done with the municipalities: 75 per cent of the cost is borne by the province of Ontario, leaving the balance for the first nations to pick up. In my constituency I have had some difficulties with home care. Some of the arrangements on particular reserves have not been made with the health councils or the health unit. I have been working with people to try to resolve that jurisdictional problem, and the member, in his resolution, points to jurisdiction being one of the great difficulties that we have.

It is understandable, though, that most members assume that program activity is exclusively in the north, but in fact for more than a year there has been a native community health centre right here on Queen Street in Toronto. The ministry funds this CHC with \$1.2 million a year to operate and provide primary health services. It is worth noting here, as in all programs I will be mentioning, that in Toronto it is the natives who manage the programming.

The Delaware nation in Thamesville is providing youth from nine to 12 with an alcohol and drug prevention program that includes a wilderness experience incorporating native cultural values. A health promotion grant has helped the Sault Ste Marie Indian Friendship Centre to organize a project which involves the traditional Ojibway medicine circle and focuses on a number of specific health problems in native communities, such as diabetes and heart disease.

There are many other examples throughout the province. Nutrition, particularly infant nutrition, is included in many of these programs. I should add here too that the outreach components either exist or are in the development stages for the majority of these programs.

We also have a provincial native health co-ordinator, and he is encouraging native communities to apply, through their district health councils, to enhance programs designed to create equality in health status.

1150

We have been open to discussion with the federal government on how to restructure our government's relationship with native communities. We all share the same goals of handing control in this area to the natives themselves.

In my particular situation, in our communities, I was privileged just about a year ago to attend the opening of the new community health centre at Wikwemikong. While attending the opening of this very beautiful and functional building, which also includes a section for traditional native medicine, I was pleased to hear a speech by Dr Jack Bailey, who has recently been honoured as Canada's family physician of the year, in which he talked about what services to the Wikwemikong reserve were when he started to practise in the 1950s.

At that time, Dr Bailey would come to the reserve about once a week. He would go to the church because there were no other facilities. They would ring the bells in the church so that the natives would know that he was there to serve them. While there is a long way to go, we are a long way from where Dr Bailey was just a few short years ago.

At the Wikwemikong reserve, they are doing wonderful things. We have a nursing home, one of the few nursing homes, I believe, in Ontario just for the native community. We have the Rainbow Lodge native alcohol recovery centre. Right now, I am working very hard with the communities on a traditional Indian medicine proposal. I think there are a number of significant things happening on our reserves, and certainly there is great need for many others to be happening.

In the resolution of the member for Lake Nipigon, however, he does note that jurisdictional disputes are part of the problem, and probably the largest part of the problem. But I would say to him, if he can tell me of any other federal-provincial program that does not have difficulties in the jurisdictional area, I would be most surprised. We are not living in Never Never Land. These things happen, and the province is committed to resolving these, but it takes three parties to work together to do that.

I would note that there was a partnership meeting this summer in Timmins with both levels of government and the Mushkegowuk Tribal Council. This council represents the seven bands in the James Bay area. The issue of transference of power was the reason for the meeting and there are to be further discussions on how we do this. But just as one small example—

The Speaker: The member's time has expired. Sorry, but that is what the clock says.

Mr Pouliot: I want to thank the many speakers who have today honoured me by saying a few kind and factual words in support of the resolution, speakers who have woven a tapestry

of neglect, who have reminded us in their own words that our first Canadians went from first Canadians to the forgotten and the cliché of "First come, last served" in terms of services.

The member for Kenora, whose riding is neighbour to Lake Nipigon—they are the two largest ridings in Ontario—has experienced at first hand the dilemma, the impasse faced by our first Canadians.

I was honoured by having the contribution of our leader. It is not every day that a leader's busy schedule will allow him to support a private member's resolution. With me, the Leader of the Opposition (Mr B. Rae) met several uncomfortable truths during his travels to both the coast of James Bay and Hudson Bay.

The member for Algoma-Manitoulin (Mr Brown) knows the problems well. He has had involvement, warm association and understanding and has listened well to the legitimate grievances of the less fortunate, the people who have less in our society and are often forgotten.

There were words of praise from the member for York South (Mr B. Rae) and the member for Parry Sound (Mr Eves). Northern members unanimously are aware and more so; we have a better degree of understanding. It is easier to communicate than ever before—we have more venues—what is at stake here.

One would be hypocritical in failing to mention that a lot has been done. I go back to the Berger commission, back to people who put their best foot forward, agonized, travelled all the way to the Yukon and the Northwest Territories, and I am looking straight at the Attorney General.

Mr Laughren: The former civil libertarian.

Mr Pouliot: Oh, they were trying to put their best foot forward, trying to bridge the kind of jurisdictional battle between two entities, if members wish, two bodies—what is provincial, what is federal—playing ping-pong while our first Canadians are left holding the bag as a third party. It may not be systematic, but what is systematic is the poverty. It is not systematic by design, but it follows through and the Attorney General among others has done a lot to do it.

If we go back 15 years, when we talk about the lack of sewer and water, the lack of basic facilities, we have come a long way. But we sense that we have to go quicker. We have to stop fighting among ourselves. We have to stop cultivating the differences, by convention and tradition, in the relationship between our first natives and the crown. We have to say, "Look, we as a rich province have a role to play," and not pat ourselves on the back and with a sigh of relief

say, "Thank God, it's not our jurisdiction for we would have to pay for basic necessities."

First Canadians are first Ontarians. Something is wrong, drastically wrong. A lot has been done; that is good. A lot more needs to be done and we should have a plan of attack. We should have a timetable accompanied by resources. We should listen better. We should give authority and encourage authority where they can take over their own jurisdiction, for they know better what their people need. Those are normal reactions. I think we will get there—that is why we are on our feet—but I think we need to do it faster.

The Speaker: That concludes the discussions on ballot items 31 and 32.

CUSTODY AND ACCESS

The Speaker: Mr Henderson has moved resolution 34.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the nays have it.

Motion negatived.

NATIVE HEALTH SERVICES

The Speaker: Mr Pouliot has moved resolution 33.

Motion agreed to.

The House recessed at 1200.

AFTERNOON SITTING

The House resumed at 1330.

MEMBERS' STATEMENTS

FUSILLADE À MONTRÉAL

Mlle Martel: Si nous sommes toutes et tous bouleversés par l'événement tragique survenu à l'Université de Montréal hier soir, les femmes, elles, se sentent particulièrement touchées. Cette tuerie effroyable rappelle la vulnérabilité des femmes, aujourd'hui encore, dans notre société, et que nous croyons parfois, naïvement, être à l'abri de tels actes de violence. Ce n'est malheureusement que la manifestation extrême de toutes sortes d'actes hostiles que vivent les femmes dans leur quotidien à l'université, à la maison, au bureau ou à l'usine.

La violence conjugale, le harcèlement sexuel au travail, les agressions sexuelles sur les campus universitaires : autant de manifestations de misogynie sont malheureusement parfois des manifestations de haine à l'égard des femmes. Nous ne saurions tolérer les attitudes dans notre société qui encouragent et engendrent une telle folie et nous ne devons jamais garder le silence quand une femme est victime d'une injustice parce qu'elle est une femme.

Permettez-moi, au nom de mes collègues ici présents, d'exprimer mes plus profondes condoléances aux familles des victimes, à leurs amis et à la population étudiante de l'Université de Montréal.

BOUNTY ON WOLVES

Mr McLean: My statement is for the Minister of Natural Resources and it concerns elimination of wolf bounties in Ontario. A joint letter from the Ministry of Natural Resources and the Ministry of Municipal Affairs to the townships of Simcoe county indicated that wolf bounties reduce the animal population and suggested that there are other approaches available to farmers to protect their livestock.

Unfortunately, this letter failed to provide a list of suggested alternatives to wolf bounties. There were 417 wolf bounties paid out in 1988. Farmers believe the wolf bounty program worked well in protecting their valuable livestock. Then the minister comes along and discontinues the successful program. He says there are acceptable alternatives to wolf bounties, but he fails to say exactly what those alternatives are.

Wolves can cause unacceptable levels of property damage and livestock losses to municipalities, and farmers and other landlords in Simcoe county must be able to protect their interests. They have a right and a duty to do so, and the minister has the right and duty to let the municipalities, farmers and other land owners know what alternatives are available for them to protect their interests now that he has discontinued the wolf bounty program.

PASSENGER RAIL SERVICES

Mr Adams: I spoke yesterday at a Union Station rally protesting cuts in Via Rail services to Peterborough and other communities. Others attending were Mayor Art Eggleton of Toronto, author Farley Mowat, the member for Kitchener (Mr D. R. Cooke), Alderman Jeff Leal of Peterborough, and the rally organizer, the member for Brantford (Mr Neumann). The rally included people from many areas affected by the cuts and a variety of labour and other groups.

All members of this House, whether their own communities are directly affected or not, must realize that there will be huge cuts in Via services in Ontario not in the distant future but next month. The quality of life of everyone in the province will be affected by this cruel and shortsighted federal policy. The efficiency of our economy will be reduced and our environment will be damaged. Via services to Peterborough will be completely eliminated.

Once again, I call on all members to do everything in their power to persuade the federal government to heed its own standing committee and at least place a moratorium on the Via cuts so that there can be some proper planning. Let's all work together to develop a modern, complete rail system in Ontario.

FOOD INDUSTRY

Mr Wildman: The Ministry of Agriculture and Food and the Ministry of Industry, Trade and Technology jointly established a Food Industry Advisory Committee to look at the serious developments in the food processing area of our economy with representatives of various sectors of the food industry in this province. The final report of that committee was supposed to be published in October 1989. Yesterday it was announced in the House in answer to a question that the report now will not come down until some time in January.

This government does not seem to understand the seriousness in the food sector as a result of various changes with regard to the so-called free trade agreement and the GATT announcements. The food industry is deteriorating in this province, yet this government is doing nothing.

We have a loss of 370 jobs in the beef slaughterhouses alone in this province over the last year. We have predictions from Gerber (Canada) that it will close in Niagara Falls and St Lawrence Starch will close in Mississauga, with a further loss of 550 jobs in this province, much less the dangers that produces for the agricultural producers who will not have a market if these operations shut down.

It is time this government came up with a strategy to protect and expand the food processing industry to protect the jobs in the industry and the market for farmers in Ontario.

NUCLEAR SAFETY

Mr Cureatz: Today Ontario Hydro is requesting permission to increase power output at the Darlington nuclear generating station which, of course, is in my riding of Durham East. With the brownout situation we are facing, Ontario Hydro and others might argue that it is prudent to get Darlington going quickly. However, we should not let expediency get in the way of safety.

The town of Newcastle, which is my own home town, which is responsible for dealing with any emergencies arising at the Darlington plant, has not yet approved a complete fire plan for the plant. Until it does, Ontario Hydro should not be allowed to increase power, no matter what the external pressures are.

The safety of the residents living in the surrounding area should not be jeopardized because Ontario Hydro has not had the foresight, nor has this government, to supply adequate power to the rest of the province when it gets cold. Ontario Hydro and the Solicitor General's office are not taking the town's concerns seriously. If the local fire chief says he is not satisfied that public safety is adequately addressed, his opinion should be respected.

The corporation is trying to push an agenda that could jeopardize public safety. Using the excuse of brownouts to speed up the licensing process shows Hydro and this Liberal administration have not planned adequately enough, as I have indicated in this portfolio many times over the last two years. They have been dragging their feet in terms of ensuring that Ontario residents and industry will be supplied with an adequate amount of electricity. Here we have a situation

facing brownouts which indicates they have not planned.

SIMCOE CHRISTMAS PANORAMA

Mr Miller: I would like to use this occasion to draw attention to the 32nd annual Simcoe Christmas Panorama. For those members who have not yet had the pleasure of being in Simcoe during the Christmas season, let me shed some light on what they are missing.

The Simcoe Christmas Panorama has been a yuletide tradition since a dedicated group of Simcoe businessmen decided to light up Wellington Park back in 1957. The panorama consists of 60 different displays illuminated by 25,000 Christmas lights and set in the natural beauty of Wellington Park along the Lynn River. In 1988, the panorama attracted 220 tour buses from all over Ontario and the northern part of the United States. The Simcoe and District Chamber of Commerce has estimated that a total of 500,000 people visited last year's panorama.

The panorama is a labour of love for the 500 volunteers who unselfishly give of their time each December to make Simcoe's Christmas-light show the best in Canada. The official opening ceremony for this year's Christmas panorama was held on 1 December in Wellington Park with our federal member of parliament, Bob Speller for Haldimand-Norfolk, pulling the first switch. The lights will be on every evening from 5:30 until midnight from now until 1 January. I invite all members, if they have the opportunity, to drop in and see them for themselves. It will be worth it.

1340

AUTOMOBILE INSURANCE

Miss Martel: On Monday afternoon during the debate on Bill 68 and again on Tuesday, this party pointed out that Bill 68 would have a tremendous impact upon the workers' compensation system. Specifically, the bill will take some \$25 million a year out of that system. That will significantly increase the unfunded liability fund and cause the board to look for new and innovative ways to reduce workers' benefits in order to cut costs and employer premiums.

The Minister of Financial Institutions (Mr Elston) does not understand what this means. In response, he argued that Bill 68 would increase costs and therefore employer premiums, but that these increases would be offset by lower insurance premiums paid by these same employers.

First, what employers pay into workers' compensation depends upon what industry they are involved in and how many accidents their employees suffer. What an individual employer pays for his or her own automobile insurance has absolutely nothing to do with what he or she will have to pay to the Workers' Compensation Board for coverage for his employees. Second, it is a fallacy to argue that injured employees will benefit by paying lower automobile insurance premiums, because this government has already admitted that rates in urban areas will jump another eight per cent.

The problem is that under Bill 68, the WCB will not be able to recover costs from a third party unless the worker dies or is seriously injured. That means more people will need WCB and that will increase costs to employers. In turn, the board will have to cut benefits to injured workers to reduce its unfunded liability. That is where the injustice lies in this bill.

DEVELOPMENTALLY DISABLED

Mrs Cunningham: I am rising in the House today to voice some very serious concerns over the children's and infants' development services program in York region. It is in tremendous need of support from the Ministry of Community and Social Services. I realize that there has been incredible population growth in regions outside of Metropolitan Toronto. This has placed a substantial amount of pressure to maintain levels of services in programs for infants and children in these communities.

The Minister of Community and Social Services (Mr Beer) must realize that there are over 150 families waiting for ministry support for the CIDS program. These children do not have the time to wait. Their development has been delayed and every day that they wait affects future positive development. Over 150 young lives are waiting in the balance while this government stalls in its support for this program.

My office has been contacted by numerous concerned and angry parents who feel that this government is ignoring them. One family's daughter has been waiting since March to get physiotherapy. This two-and-a-half-year-old little girl is waiting right now as we speak for the services she deserves. Let me tell the House that there are many more children in York region waiting for similar services that they deserve. When will this government address this most urgent need? When will this government plan ahead to meet the pressures today and in the future? The citizens of Ontario deserve services

for developmentally delayed infants and children now and in the future. This community wants action, as does Ontario.

TRANSMISSION LINE

Mr Tatham: "Ring-a-round the rosie; pockets full of posies; hush-a, hush-a; we all fall down."

Under the joint board, the Consolidated Hearings Act, 1981, the decision for the proposed transmission plan of Ontario Hydro for southwestern Ontario, dated 20 February 1987, section 16 says:

"Narrow-base towers shall be installed on specialty crop lands and on class 1 to 4 lands on in-field locations where possible. These towers shall also be installed on fence lines and boundary lines crossing specialty crop lands on class 1 and 2 lands, wherever possible, where the lands are now capable of being farmed on both sides of the lines."

"Wherever possible." In Oxford, our farmers believe it is possible. Hydro suggests otherwise. There has been a mediation in one case. The mediator said yes. The cost would be up about 10 per cent to 15 per cent. Ontario Hydro, be fair.

"Ring-a-round the rosie; pockets full of posies; hush-a, hush-a; we all fall down." The alleged origin of this nursery rhyme was the Great Plague of London, 1664-65.

Mr Sterling: Mr Speaker, I would like the unanimous consent of the House to express our regrets with regard to the happenings which took place in Montreal, Quebec, yesterday.

The Speaker: Is there agreement?

Agreed to.

SHOOTING IN MONTREAL

FUSILLADE À MONTRÉAL

Mr Sterling: On behalf of my party, we would like to express our deep and sincere regret and sympathy to the many families in Quebec who have experienced an unbelievable tragic event. A reaction to it can be nothing but a total lack of understanding why any individual would take upon himself this kind of reprehensible action. We really do not know what to say to the families, except that we are truly sympathetic and bereave the loss of their loved ones. We hope that they will take some comfort in knowing that the thoughts and prayers of members of the Legislature of Ontario are with them today.

Hon Mrs Wilson: On behalf of the Premier (Mr Peterson) and members of our party, and especially as Minister without Portfolio responsible for women's issues, I rise today to express the

shock and outrage of this House and the people of Ontario at the mass shooting of women students yesterday at the University of Montreal.

This incident is a tragic example of the violence that women face in our society, not because of who we are as individuals or where we go or what we do, but simply because we are women. We extend our sympathy to the injured and to the family and friends of the 14 women who were murdered.

Upon completion of members' remarks today, I would ask the House for a moment of silence in memory of the 14 women who were murdered.

Mr B. Rae: I know all the House has been profoundly moved by the tragedy in Montreal and no words of ours can possibly express the horror, outrage and anger as well as the enormous sadness that all Canadians feel, and indeed the whole world feels, when we confront a tragedy of this dimension.

It is hard to imagine life as many members have experienced it in a university, a community like that being violated in this way. It is hard to imagine the feelings, the terror, of the women who were set aside and then shot. It is very difficult for us as parents.

Notre parti et moi, j'en suis certain, au nom de la population en général partout dans la province de l'Ontario, exprimons notre profonde sympathie aux familles qui ont été tellement touchées par ces événements. Nous exprimons notre outrage, surtout parce que ce sont des femmes qui ont été tuées.

Nous savons très bien que la violence qui se manifeste contre les femmes est une triste réalité, une réalité inacceptable et atroce de notre société et que cet événement si bizarre, si extrême et si violent est une expression de la violence générale contre les femmes.

Nous exprimons notre sympathie profonde en tant que parents. J'ai une nièce et un neveu qui sont étudiants à Montréal, à l'université, alors je comprends un peu et peut-être pouvez-vous comprendre, vous aussi; nous avons tous des exemples ou des situations où nous comprenons très bien l'horreur, où nous comprenons la peur et la tristesse profonde éprouvées et comment celles-ci touchent tous les Canadiens.

Nous désirons dire aux parents, aux familles, aux femmes et à toutes les Canadiennes et à tous les Canadiens que nous allons sûrement survivre à cet événement. Cependant, c'est un événement qui a touché toute la population et nous devons encore trouver des moyens pour éliminer la haine qui existe dans nos coeurs et dans le coeur de certains de notre communauté. Aussi, nous

devons trouver des moyens pour éliminer la facilité qu'ont les gens d'avoir des pistolets en leur possession et également, je pense que nous devons réfléchir aux lois possibles, peut-être, pour empêcher qu'un événement semblable se reproduise.

To say that our hearts go out is just so inadequate in the face of this outrage, an outrage against women, an outrage against any person who is affected by this terrible random violence that occasionally and so awfully strikes our society. Nevertheless, we must commit ourselves to fighting hatred, the wild hatred that was obviously expressed in this terrible event. As well, I think we need to look hard at questions about how people get access to the guns that cause these terrible, terrible tragedies. That is all I can bring myself to say at this point.

The Speaker: I thank these members for commenting on this unprecedented massacre. As the minister has suggested, I am sure all members will want to join me in a few moments of silence as a sign of our deepest sympathy for those families touched by this tragedy. Would all members stand, please.

The House observed one minute's silence.

1350

STATEMENTS BY THE MINISTRY

INTERPROVINCIAL ENERGY AGREEMENT

Hon Mr Ward: On behalf of the Premier (Mr Peterson) and my colleague the Minister of Energy (Mrs McLeod), I am pleased to be able to advise the members of the signing this morning of an unprecedented interprovincial energy agreement between the provinces of Ontario and Manitoba.

This pact, the largest and most significant of its kind in our nation's history, was signed earlier today in Winnipeg by Robert Franklin, the chairman of Ontario Hydro, and Brian Ransom, the chairman of Manitoba Hydro. It was witnessed by our Premier, by Premier Gary Filmon of Manitoba and by our Minister of Energy.

The agreement involves the purchase by Ontario of electrical energy produced in Manitoba at a price of \$13 billion over a period of 22 years. Beginning in the year 2000 our province has agreed to purchase from Manitoba 1,000 megawatts of electricity per year.

This energy pact is designed to assist in ensuring security of supply to meet our province's energy needs well into the future. It will assist in providing the energy required to drive the engines of our economy, supplying our indus-

tries with a vital resource that will permit them to remain a strong generator of prosperity and the cornerstone of our province's economic well-being.

As the Premier said this morning, "For Ontario, the agreement provides a reliable source of clean Canadian energy at competitive prices as well as contributing to greater diversity of energy supply."

But I believe this agreement represents more than simply an economic gain for Ontario. It is, as the Premier said earlier today, an act of nation-building in which our province, the province of Manitoba and indeed our country as a whole are clear winners. This pact manifests the will of our province to forge powerful new east-west ties in the tradition of generations of Canadians before us, ties that resist the historic pull between north and south.

For Manitoba this agreement enables the confident start of a major new hydroelectric power project at the Conawapa Dam on the Nelson River. This facility will provide Manitoba with a secure new source of electricity for its own needs, as well as for sale to others.

For Ontario, and especially for northern Ontario, this agreement means an important new transmission link between the northwest and the rest of our province. This link takes on special importance as we proceed with the development of private sector electricity generation in the northwest. It gives us added capacity to get that supply to market.

For Canada, this agreement stands to lead to the creation of a national power grid with the potential to turn Canada's various electricity resources into a truly national resource.

This agreement calls for the construction of 2,000 kilometres of new transmission lines divided nearly evenly between the two provinces. These lines will be subject to environmental assessment in both provinces. Ontario Hydro will ensure that local communities are fully involved and consulted throughout the transmission project. Environmental assessments will be co-ordinated to permit timely implementation of the purchase agreement.

Development of the transmission line will mean new business and economic opportunities throughout northwestern Ontario, with new jobs and training programs, particularly for our native people.

This agreement is the largest co-operative venture ever undertaken by the provinces of Ontario and Manitoba, but it truly is much more than that. As the Premier stated today in

Winnipeg, "This agreement shows what can be accomplished when we stop talking about interprovincial co-operation and actually do something. This kind of exchange—in energy, trade and other activities—can help us to make this a stronger country, and one better able to meet the challenges of the 1990s and the century to come."

INTERNATIONAL HUMAN RIGHTS DAY

Hon Mr Wong: As members know, this Sunday 10 December will mark the 41st anniversary of International Human Rights Day. On that day, we will celebrate the adoption by the United Nations of the Universal Declaration of Human Rights. The declaration affirms our faith in the dignity and worth of the human person and in the equal rights of men and women. As a charter member of the United Nations over 40 years ago, Canada cast its vote in favour of this universal declaration.

This year has indeed been a remarkable one. While we have witnessed changes all around the world, the ones in eastern Europe have been momentous. We have seen the Berlin Wall fall. We have seen thousands of citizens of eastern European states assert their rights to full participation in the destinies of their own nations. This is the year in which believers of all faiths will be allowed to worship in the Soviet Union. All of this gives us hope as we face a new decade, a renewed hope in the course of international human rights as we look into the next century.

Here in Ontario we can be proud of our province's accomplishments, but we must be vigilant in ensuring that we enhance our commitment to human rights. In our province the Ontario Human Rights Code was proclaimed 27 years ago. The code draws from the United Nations declaration. Not only has it influenced our commitment to human rights in Ontario in the past, but it continues to inspire and guide us today, and I am sure will for many years to come. Ontarians should be proud that their province was among the first to adopt a code of human rights in Canada.

As I have mentioned, this year's celebration of the universal declaration coincides with a number of historic events, events that have a universal impact, events that until recently we would have considered unlikely in our own lifetime.

As we approach a new decade, let us all ensure that the advancement of human rights is more than a reflection of principles. Human rights protection means that all of us take practical steps

to change our attitude and behaviour to bring us to true equality everywhere.

1400

FINES

Hon Mr Scott: Later today I will be introducing the Provincial Penalties Amendment Act, 1989. This act raises maximum fines and in some cases minimum fines for a large number of offences under provincial statutes. By and large, it does so to reflect the changed value of money since the fines for these offences were established or last revised, in many cases years and decades ago.

Therefore, the effect of the act will be to restore the fine to the level of seriousness it had originally. This will help to ensure that the fine's effect as deterrent or as punishment will not be lost.

The bill should also increase provincial fine revenues in real dollars to the levels anticipated when the fines were first calculated.

A few fines are, however, being raised above the level required to compensate for inflation. The maximum fine under the Ticket Speculation Act will rise from \$50 to \$1,000. The maximum fine for selling tobacco to minors will rise from \$50 to \$500 for individuals and \$25,000 for corporations. The maximum fine for paying for an adoption will rise from \$5,000 to \$25,000. The maximum fine for most residential tenancy offences rises from \$1,000 to \$5,000 for individuals and to \$25,000 for corporations. Maximum fines in statutes of the Ministry of Financial Institutions will rise in accordance with those proposed already for the Securities Act in Bill 155. The maximum fine under the Highway Traffic Act for failing to stop when requested by a police officer will rise from a range of \$100 to \$500 to a range of \$500 minimum to \$5,000.

The principal group of fines not included in this act is speeding fines under the Highway Traffic Act. The House will recall that these fines are being dealt with under the government's driver protection plan.

The House should also note that we are dealing here for the most part with maximum fines, which are imposed only in the gravest of cases. The actual fine imposed in a particular case will depend on the circumstances of the case as weighed by the judge who hears it.

I hope the House will be able to give speedy attention to this bill in the interests of the more effective administration of justice in Ontario.

RESPONSES

INTERPROVINCIAL ENERGY AGREEMENT

Mr Charlton: I would like to take a few moments to respond to the statement made by the government House leader on behalf of the Premier (Mr Peterson) and the Minister of Energy (Mrs McLeod) regarding the announcement of an agreement with the province of Manitoba for the purchase of 1,000 megawatts of electricity per year starting in the year 2000.

This is the kind of announcement by this government that tears you in half. On the one hand it can be said that we are all glad this will be a hydraulic facility in Manitoba and not some other environmentally nastier option in a generation facility here in Ontario. Having said that, there is also, on the other side of the question, concern about hydraulic facilities in the far north themselves. There are concerns by Ontario citizens and aboriginal peoples in this province about a number of hydro proposals in northwestern Ontario. One would certainly hope we are not simply shifting those environmental concerns and the concerns of aboriginal peoples into Manitoba to get them off our backs.

As well, it is good to see the co-operation between the province of Ontario and the province of Manitoba. Having said that, on the other hand one would not want to see us causing to have built a major hydraulic facility in the Manitoba that is unnecessary because we have not achieved the maximum of energy efficiency that we should be striving for.

As I said at the outset, this is one of those statements that tears you in half because on the one hand you are happy it was not something else, and on the other hand we still have not got the order correct in terms of our approach to energy and the provision of electrical energy in Ontario.

The government House leader perhaps could pass on these comments to his colleague the Minister of Energy. The system needs to start from the top down, energy efficiency being at the top. You do not start buying power and causing the creation of generation facilities until you have achieved all that you can or all that is attainable at a reasonable price in terms of energy efficiency, as we move into the future and the greater and greater demands our complex society places on the environment of this planet.

FINES

Mr B. Rae: The statement by the Attorney General sounds good in terms of bringing the

levels of fines up in areas where they have just become scofflaws, but the trouble is that in many cases all he is really talking about is increasing the maximum fines.

Perhaps I can give a couple of examples very quickly. With the Ticket Speculation Act my colleague the member for Cambridge (Mr Farnan) has been so eloquent on, the effects of speculation as they relate to the price of tickets, the reality is that a maximum fine of \$1,000 for a professional speculator in tickets is simply a license. That is what it is. The minister is increasing the cost of the license; that is all he is doing. He should not pretend he is putting these guys out of business. All he is doing is increasing the amount of money he is charging them to carry on their business.

With respect to the Landlord and Tenant Act, all I can tell the Attorney General is that we had the member for St Andrew-St Patrick (Mr Kanter) at a meeting last night with 570 tenants. He was telling those tenants that the Attorney General was going to change all kinds of things in the Landlord and Tenant Act, that the government was going to do all sorts of things. Yet when I asked the Attorney General the same question, he said, "No, we're not going to change those things."

Frankly, until we get a clear indication from the government as to what it is going to move on when it comes to these laws, I am not sure we can count on too much. I look forward so much to question period with the Attorney General, because it now turns out he has blown it again when it comes to some of these critical issues.

INTERNATIONAL HUMAN RIGHTS DAY JOURNÉE INTERNATIONALE DES DROITS DE LA PERSONNE

Mr B. Rae: Together with the government and all citizens of the province, we join in the celebration of International Human Rights Day, a great day for all Ontarians.

Nous sommes très heureux de la Journée internationale des droits de la personne et nous sommes convaincus que nous avons beaucoup de travail à faire ensemble dans ce domaine.

The Speaker: Further responses? The member for Parry Sound.

Mr Eves: I am very surprised that none of the ministers in their statements today rose on behalf of the Premier (Mr Peterson) and issued a public apology to Dr Derek Nesdoly in light of the coroner's jury's inquiry finding yesterday, which commends Dr Nesdoly instead of criticizing him as the Premier did.

The Speaker: Order. This is the appropriate time for responses to the statements made.

Mrs Marland: We too join in the recognition of International Human Rights Day, which we will do in more detail on Monday and hope that at that time it will be with the agreement of everyone in the House.

At this point, I want to comment on the statement by the Minister of Citizenship where he says we must be vigilant in ensuring that we enhance our commitment to human rights. When he talks about the fact that in our province the Ontario Human Rights Code was proclaimed 27 years ago, that is something of which all of us are very proud.

When he looks at the words in his statement, he might reconsider the position he has taken on some human rights issues lately, in particular in connection with that commission whose responsibility it is to protect human rights in Ontario.

May I just say that with that problem unresolved, looking beyond our province and speaking on behalf of our caucus, I want to say that we praise the courage of those people in eastern Europe and we pray that the true celebration of this International Human Rights Day internationally will be enshrined in peace agreements around the world.

1410

INTERPROVINCIAL ENERGY AGREEMENT

Mr Runciman: I want to respond to the statement by the government House leader with respect to the energy agreement reached with Manitoba, signed today, to provide 1,000 megawatts, hopefully by the year 2000. We have some concern with the announcement.

I share the view of the official opposition, which has somewhat mixed feelings in respect to this. Certainly, if the opportunity to purchase power from neighbouring jurisdictions is appropriate, we are very supportive of that. But I think we have some very serious questions in respect to this particular deal.

The fact that the government has decided to do away with the opportunity for public review of this proposal, in effect, is a slap in the face to the Legislature and the people of Ontario and certainly to the select committee of this Legislature, just about two weeks before the demand-supply planning study is to be released by Ontario Hydro. One month ago, we had the Minister of Energy (Mrs McLeod) boasting about the need for public input into very significant decisions like this.

The reality is that this is going to supply the equivalent of 1.1 Darlington reactors. It is going to cost the taxpayers of Ontario at least \$13 billion to import 1,000 megawatts of energy. Those kinds of dollars are enough to construct a new power station in Ontario that could provide three or four times as much new energy. It would be directly beneficial to the Ontario economy and would provide a much more reliable source of energy.

We are looking at very serious concerns in this province in respect to brownouts now. We have talked about the managerial incompetence at Ontario Hydro. Obviously, the energy mismanagement also is at the top of this government.

FINES

Mr Sterling: I want to comment briefly, in view of the shortness of time, about the legislation relating to fines. I want to indicate to the Attorney General that while he might want to indicate or hold out to the public that he is in fact making things tougher for people, there is very little mention in his announcement today about the increase in minimum fines.

There is nothing in his announcement today which indicates that he is in fact going to prosecute people who sell tobacco to minors. I would like to have the minister report to us how many prosecutions he has undertaken in the last year with regard to this matter.

ORAL QUESTIONS

RETAIL STORE HOURS

Mr B. Rae: Having been told by the Attorney General so many times in this House that the reason we needed new Sunday shopping legislation was to end the legal chaos that was out there, imagine my surprise at just after one o'clock today when one of Canada's outstanding jurists, Mr Justice Potts—someone who is known to many members of this House and, I suspect, to more members over there than indeed anywhere else—ruled on an application from Metropolitan Toronto to stop three businesses from opening illegally on Sundays. Mr Justice Potts's ruling was that the Ontario government, not the municipality, is responsible for setting rules on Sunday shopping.

My question to the Attorney General is, will he say it is not so?

Hon Mr Scott: It is so.

Mr B. Rae: Does the Attorney General not realize that his effort and his intended purpose of ending the so-called chaos with respect to Sunday shopping not only has not been achieved

by his legislation but it has been compounded, increased, doubled, tripled and quadrupled by his legislation? Will the Attorney General finally stand up and recognize and say to this House that his legislation has created far more legal chaos than it was ever able to solve?

Hon Mr Scott: I used to know the Leader of the Opposition in an earlier life, when he was an agreeable, moderate spokesman. Indeed, I supported him in one of his campaigns—as a citizen, not as a member of the party. He now runs around all the time like the chickens, claiming that the sky is falling.

What happened in this case, as the honourable member will perhaps know, is that the court decided that a municipality could not enforce a provincial law. That is a most extraordinary conclusion, but it has been achieved by a very distinguished Ontario judge. There is no doubt that an appeal will be taken. The sky is not falling; the law will be enforced; the cases will be prosecuted as before.

Mr B. Rae: The Attorney General reminds me of Hamilton Burger in those Perry Mason cases. He has not won a case yet.

The Attorney General says the law will be enforced. Does he not realize that companies that have wanted to open on Sunday will see this ruling by Mr Justice Potts as an invitation to open—

Hon Mr Scott: Only if you say so.

Mr B. Rae: No, not if I say so.

I say with due respect to the Attorney General—and I think this is a perfectly moderate, rational thing to say—does he not realize a judge has ruled that his legislation does not stand up? What is he going to do about it?

Hon Mr Scott: I know the honourable member is having difficulty, because he has not been briefed on what the decision says. What the decision deals with is who may apply for an injunction. It has nothing to do with the validity of the law as a whole.

The region of Metropolitan Toronto applied and the court concluded, and it was a conclusion of considerable novelty, that only the Attorney General can apply to enforce a statute and that he cannot enforce a municipal bylaw, and that a municipality cannot enforce a provincial statute, which I must say is a matter of considerable surprise after 30 years of practise when this has consistently happened.

The case will no doubt be appealed, but I want to assure the honourable member that we have already indicated to the region of Metropolitan

Toronto that if it wishes to renew its application tomorrow, the Attorney General will lend his name in a relator proceeding on an application to support it.

The honourable member and my good friend may think that I sound like Hamilton Burger, but the really bad news is that he looks like Hamilton Burger.

Mr B. Rae: It is nice to know that in addition to patronizing members of the Legislature he is also patronizing judges.

The Speaker: Your question is to which minister?

NATIVE SERVICES

Mr B. Rae: I have another question for the Attorney General in his capacity as the minister responsible for native affairs. I just say to the Attorney General that this is part of an ongoing campaign on our part.

I want him to tell me why it is that the Ontario government cannot launch a program now, negotiated with the chiefs and with the bands and band councils across the province, that will ensure that all the citizens of Ontario have running water in their communities, have sewage treatment in their communities and have the basic minimum that all of us would regard as essential to a decent life for all the citizens of Ontario.

Hon Mr Scott: As the honourable member knows, the native people of Ontario, particularly the native people on reserve, with whom we are primarily concerned in respect to this question, regard themselves, for better or for worse, as having a special relationship with the federal crown.

Indeed, the honourable member will perhaps recall that when the province of Ontario sought to alter favourably our contributions to policing on reserves, it was the native organizations of Ontario that opposed that. They opposed it precisely because they would not permit the province to intervene to displace federal responsibility. I do not think they were primarily concerned about the province of Ontario doing that, but they were afraid that to acknowledge the possibility of that step being taken on an Ontario reserve would encourage other provinces that may have different views about the provision of services to native people to take the same position.

As the honourable member will perhaps know, I have written to the federal government proposing a completely new reallocation of responsibilities which is designed to ensure that Ontario can discharge fully its responsibility to native

peoples as citizens of the province, and negotiations will shortly begin to achieve that result.

1420

Mr B. Rae: In my discussions with native chiefs and elders, not only at the leadership level in Toronto but at the band level in the communities that I visited over the past several months and indeed several years, my impression is, and I just offer this for what it is worth to the Attorney General, that as long as we are not talking about shifting jurisdiction and legal responsibility from the federal government to the province, there is no objection from any band chief or band council that I have talked to, to a provincially funded program that would be run and administered by the bands themselves that would allow them to improve basic conditions.

We have bands where we have 400 or 500 people. We have a population explosion on our reserves today. Kids are drinking water that is untreated from virtually the time they are born and they have chronic diarrhoea and chronic health problems as a result. We know that these things can be handled and dealt with. We have the means and capacity to do it.

What I am asking the Attorney General is this: Is the province willing to negotiate that kind of a capital program which will allow the infrastructure on these reserves to begin to be changed in such a way that we will have the basic standards of life which we regard as essential to any civilized community?

Hon Mr Scott: As the honourable member and indeed every member of the House knows well, when a provincial government begins to assume a financial responsibility it displaces the federal obligation. Everybody knows that from experience and I can say that in those areas where we have done so, in education in some instances, in health care, that is precisely the result that has occurred.

What we are anxious to do, as the native people are anxious to do, is to see that the responsibility of the federal government is not displaced, because many native people regard that as very important and would prefer to deal with the federal government than with a variety of provinces, all of whom have different standards.

The honourable member, in so far as he asks a question about self-government, raises an important consideration, and there is no difficulty as far as this government is concerned about starting self-government discussions with any native organization on or off reserve on a sectoral basis. We have already begun to do that and a number

of such negotiations in education, for example, are already under way. The honourable member will be interested to know that later in the month I will be issuing a statement about that whole subject.

Mr B. Rae: We will also be issuing a report very soon on the findings of our health care tour, which has taken us over a year and on which we have visited dozens of reserves.

We have heard from chiefs and from councils across the north. I know it is controversial and I know it is not easy, but I hope the Attorney General would not simply be saying that we are not going to spend the money because the federal government knows how to spend it. The fact is that Ontario is in a better position in terms of the environment, in terms of the skills that we have in various ministries and the skills that we have in terms of the assistance we can offer; we are in a better position to do this than any other level of government.

The problem we have to get over is the one of jurisdiction. I am not suggesting for a moment that we transfer jurisdiction because I understand, as anyone does, the sensitivities of the bands and the chiefs in this regard.

Can the Attorney General give us at least the commitment that the government of Ontario is prepared to transfer funds to the councils and to the bands and to the native people without for a moment assuming jurisdiction? Why not make that up?

Hon Mr Scott: I am afraid it will really embarrass the honourable member if I say there is not much difference between his position and mine. The reality of the need is demonstrated. There is no question about that. But the honourable member also knows that many native organizations, primarily organizations on reserve, are very concerned about federal responsibility. They also know that if, for example, we were to take over education on a federal reserve, that would be the end of the discharge of federal responsibilities.

Mr Wildman: So let them take over and give them some money to help them.

Hon Mr Scott: Does the member want to say something?

Mr Wildman: Yes, I do.

Hon Mr Scott: Well, get up and say it.

Mr Wildman: I am sick and tired of your rhetoric.

The Speaker: Order. I think it is time we calmed down a little bit.

RETAIL STORE HOURS

Mrs Cunningham: My question is to the Attorney General. I am sure the Attorney General is just as disappointed as all of the other members of his government in the decision that was reached today in the Supreme Court of Ontario. However, we still have a responsibility to the public.

The reason that was given in the decision was that Metropolitan Toronto did not have a valid bylaw, which, of course, affects the implications of clause 8 of the bill. Was the Attorney General stating earlier, in point of clarification, that in fact he would use clause 8 in order to make certain that the stores will remain closed on Sundays?

Hon Mr Scott: My understanding of the decision is that it does not say any part of the law or any part of any bylaw is invalid. It says nothing about that. What it says is that the Attorney General should apply for an injunction to enforce provincial law and the municipality cannot, and that only a municipality, not the Attorney General, can apply to enforce a bylaw. That is an important, if novel, proposition that the court has stipulated and an appeal will no doubt be taken.

I have already said to the officials of Metropolitan Toronto, whose case it was, that we would support a renewal of their application tomorrow, if they wished to make it, by allowing the name of the Attorney General to be used in the application.

Mrs Cunningham: Would the Attorney General then be assisting any municipalities that come to him for assistance in the next short while in order to make certain that stores that they do not want to open on Sunday remain closed on Sunday?

Hon Mr Scott: During the period of this uncertainty as a result of the decision, we have indicated that if any other municipality prepares an application, supports it with appropriate material and applies to the court, we will join to support that application. The honourable member will know that the Regional Municipality of Peel has already applied, and so that there will be no technical imperfection in its application, we will support it in that sense.

Mrs Cunningham: The Attorney General has admitted that there is some uncertainty right now in the application of this law. Our concern is if he does in fact include the municipality in his plea to the court, they may still go back on what we

understand to be the excuse of the bylaw part of clause 8.

If they do that upon his next application, would the Attorney General then take it himself, just the Attorney General of Ontario, to the court—just himself—for any municipality, but not naming them in case they do not have a bylaw, so that we can be assured that stores that should not be open on Sundays, at least in this next two or three weeks before Christmas, will remain closed? Would he do it just himself if that then becomes a technical problem?

Hon Mr Scott: The honourable member is essentially asking me if I would ask the court for a blanket injunction directed at no particular named owners and with respect to all municipalities. That simply could not be done. The law does not permit that.

There is no uncertainty about the effect of this law. What this decision has done is it has raised a question about who may make the application and when. Because there is a dispute about that, we have indicated that we will support any applications that municipalities make for injunctions to restrain the bylaw.

1430

The reason to do that is, of course, as the honourable member will know, that the issue in these injunction applications, so far, has not had to do with the validity of the law; it has had to do with the extent to which municipal police forces have been used to close down others that perhaps historically have been open. That is the case of the retailers in Metropolitan Toronto. They say: "We want to open. We don't want an injunction, because Metro Toronto police have not enforced the law against others."

It is clearly a municipal issue, but if there is a technical difficulty about making the application, we will support them.

ELECTRICITY DEMAND AND SUPPLY

Mr Runciman: My question is for the Minister of Industry, Trade and Technology. He may recall that yesterday I asked the Minister of Energy (Mrs McLeod) some questions with respect to the restrictions being placed on industry across the province and the concerns being conveyed to me, certainly by industries in my own region, about the cutbacks they are facing—slowing down processes, most of the companies being put on alert.

I am sure the minister appreciates that when companies are put on alert, they could be faced with a power cutoff, and they have to shut down processes in anticipation of that kind of eventual-

ity. This is having an impact on operations right across the province. The Minister of Energy has sloughed this off. I would like to hear the views of the Minister of Industry, Trade and Technology on this matter.

Hon Mr Kwinter: I thank the member for the question. I am sure he will understand and realize that the only companies that are being put on alert are those that have contracted with Ontario Hydro or their local hydro for interruptible service, and as a result of their contractual obligations, they paid less, on the understanding that, if need be, they would have their service interrupted.

What we have is a strange situation where these particular industries are saying, "We want that right to pay less for this interruptible service, but don't, whatever you ever do, interrupt it." They cannot have it both ways. I am satisfied that Ontario Hydro has adequate supply, but where there are situations when we have a cold snap and when it is very cloudy so that people are using lights during the day, where they do call, under their contract, for interruption, that is the arrangement that has been made with those companies.

Mr Runciman: I guess what the minister is saying is quite comparable to what his colleague the Minister of Energy said. He is not really concerned about what is happening with respect to the operations of Ontario Hydro or the reliable supply of energy in this province, which has been a major attraction in terms of getting new investment in this province. That is essentially what he is saying here today.

We have the chairman of Ontario Hydro quoted in the *Globe and Mail* today foreshadowing problems and difficulty in supplying power for at least the next decade in this province. The minister is the advocate for industry and business around the cabinet table. What is he doing with respect to this? Is he not expressing any concerns on behalf of industry in this province?

Hon Mr Kwinter: Of course. I meet with the associations of the major power users. We are monitoring the situation very carefully, and I can tell the member that one of the strong competitive situations we have in Ontario is our abundance and our cost of electricity compared to many of the jurisdictions that we compete with. Certainly, we watch the situation very carefully. The reason the Premier (Mr Peterson) is in Manitoba today is to make sure that with the contract he has just signed this morning we will ensure adequate supplies.

But to get back to the basic premise that the member raised in his question, a contractual arrangement has been made with these companies whereby they have agreed to be billed on an interruptible basis, which means that Hydro, if need be, can interrupt the service. What is happening is that from time to time, Hydro in fact does that. They get a benefit and a saving for being on that plan. If they feel that is not acceptable, they have the alternative of saying, "We do not want to be on the interruptible service arrangement. We will pay the full rate for Hydro. We do not want to be interrupted," and Hydro will not interrupt them.

Mr Runciman: I suspect they also have the alternative of looking at other jurisdictions in which to locate. The interruptions in power are becoming more and more frequent, as the minister should be aware. He mentions the Manitoba deal. I would certainly like to know his views with respect to spending \$13 billion of taxpayers' money to import electricity, when those same dollars could construct a new generating facility in this province, generate three to four times the amount of energy and it would be reliable for the consumers of this province. Where was the minister when that decision was made? Where was the minister on behalf of electrical consumers and industries and businesses across this province?

Hon Mr Kwinter: We have an obligation to ensure that the citizens of Ontario have an adequate power supply. That does not necessarily mean that we have to provide all of it. If we can help our sister province by buying power from it, which makes it economical for it to generate that power, and if we can do it in an economic way, and if we can be assured of security of supply, then I think we have an obligation to do that.

WASTE MANAGEMENT

Mrs Grier: I have a question on waste reduction, which I would have asked the Premier (Mr Peterson), the Treasurer (Mr R. F. Nixon) or the Minister of the Environment (Mr Bradley), but in the absence of all three, I will narrow my question and ask it of the Minister of Consumer and Commercial Relations.

I am sure the minister, in his capacity as the minister responsible for the Liquor Control Board of Ontario, recognizes that one of the packaging elements that is most easily reused is glass bottles, and that the Liquor Control Board of Ontario markets a vast number of glass bottles, which are used by our domestic wine and spirit producers. Can the minister tell the House

whether or not he would support setting a deadline by which all producers of wine and spirits in Ontario would have to provide their spirits in refillable, returnable bottles?

Hon Mr Sorbara: The first thing I will tell the House is that it is rather a pleasure to get a question on the environment from the member for Etobicoke-Lakeshore. I know that occasionally she has some severe difficulty with the Minister of the Environment in her debates during question period.

I want to tell her, on the narrowing of the subject to waste reduction and waste elimination in the area of liquor control, that there are some options that indeed are worthy of studying; that is, in a regulatory capacity, whether or not there ought to be rules about what size containers beverage alcohol should be in, whether it should be in bottles or cans or whatever.

I want to tell the member, as I have told my friend the Minister of the Environment, that within the narrower definition of my responsibilities in this area, we are looking at some of these questions.

Mrs Grier: That answer, that he is looking at it, is, I guess, what I have come to expect from this government—it is looking at everything and it is exploring options. It does not seem to have any sense of the urgency of the waste crisis that is facing this province.

We hear from other ministers that the Minister of Government Services (Mr Ward) is going to be showing leadership in recycling paper. We hear from the Minister of the Environment that we are going to be reliant on voluntary effort to reduce garbage and that we are leaders in the field. Why can the Minister of Consumer and Commercial Relations not show that leadership, implement a voluntary program? Why is he not volunteering, as the Minister of the Environment says people want to do, to reduce garbage within his own jurisdiction?

Hon Mr Sorbara: We have gone from the narrowing of the subject to some sort of broad and sometimes ridiculous generalities that my friend the member for Etobicoke-Lakeshore gets into. Let me give her some of the facts and some of the things that have been accomplished in this province.

First of all, let's look at our beer stores, the Brewers' Retail operation, which returns and collects 98 per cent of the bottles that are sold in beer stores.

Mrs Grier: I didn't ask that.

Mr D. S. Cooke: We're talking about liquor stores.

Hon Mr Sorbara: Let us now look at the recycling programs and the blue box programs that my friend the Minister of the Environment has implemented in this province, which as he said yesterday and I repeat today, won an international award. It has dealt with many, many of the cans, although we have a deposit system, that do not get back to the beer store. We are looking at ways to improve that.

Finally, we have bottles of liquor. We are looking at ways to bring that back into the stream. Frankly, I think if we are around for a little while longer, we will win an international award on that score as well.

1440

CAPITAL FUNDING FOR SCHOOLS

Mr Jackson: I have a question for the Minister of Education. I would like him to respond to a math equation that was provided to me by the Durham Board of Education. His recent budget allocated \$100 million for capital projects associated with the throne speech junior kindergarten initiatives. In reality, though, this proposal is going to cost quite a bit more. In November his ministry allocated \$400,000 to the Durham Board of Education for the construction of two junior kindergarten classrooms in schools that are now under construction in Oshawa and Ajax. That works out to \$200,000 apiece.

At the time of the minister's throne speech announcement, the Premier said that 53,000 four-year-olds were currently not attending junior kindergarten. Assuming, for the moment, that the same class size ratio for grades 1 and 2 will also apply to kindergarten, then we are looking at 2,650 new classrooms that will be required. At \$200,000 apiece, that is well in excess of half a billion dollars.

Will the minister assure the school boards, particularly the Durham school board, that his government intends to pick up the cost of these and he is not going to pass it off to taxpayers in this province?

Hon Mr Conway: I want to thank my friend the member for Burlington South for his interest in a very important Liberal government initiative in respect of early childhood education.

When we came to office four and a half years ago, we recognized that, unlike our predecessor government, there were very, very important initiatives that had not been undertaken in the area of early childhood education. That is why, over the time we have had the responsibility, we have committed substantial new resources, not just in the area of capital but in other areas as

well, to ensure that all of those young people aged four and five will receive the benefit of the very best foundation as they begin the process of lifelong learning.

When the speech from the throne was read in this chamber earlier this spring, it was made very plain by His Honour, on behalf of the government, that we expected the implementation of these new initiatives, particularly in the area of early childhood education, would take a considerable amount of time. In fact, the government has indicated as well that we would be committing very substantial new resources, which we have begun to do.

Mr Jackson: It is apparent that the minister refuses to respond to the math equation which has been presented to him. Maybe he should take his own government's mandatory grade 8 standardized math test. We will see how well he fares. But the fact is, boards like the Durham board have articles in the paper. The Oshawa Times, for example, says, "Trustee Says Construction Misleading." I am quite fearful that the minister's nonstatements in the House only help to continue to invite articles such as this.

The fact is that the figure of \$100 million was dreamed up by the Treasurer (Mr R. F. Nixon), and the proof of that is that in an Orders and Notices question I asked on 4 May. I simply asked what was the available stock of vacant school spaces that could provide this program. The then minister told us they did not have any idea it would take them two years to do an inventory. Well, the truth is, this program is needed in growth areas that do not have vacant spaces.

My question is simply this: Last year the minister's government promises and the shortfall in grants cost local taxpayers \$1 billion additional municipal taxes. Can the minister assure property taxpayers that he is not going to do the same to them this time on junior kindergarten that he did last year?

Hon Mr Conway: The honourable member invites me to a bit of arithmetic, and I do not suggest for a moment I have his level of proficiency in that respect, but I can recall to my attention, and I would happily inform the House that there is one statistic that I think makes plain the relative standing of our two parties when they have had the responsibility of office.

In the last year of the Progressive Conservative administration, 1984-85, the then Tory government was committing something in the range of \$70 million for school capital. This year this government will be committing in excess of \$300

million for school capital. I do not think one has to be an Einstein to see that while we may not be perfect, we are much better in meeting the needs in school capital than our predecessors.

Interjections.

The Speaker: The member for Guelph is waiting patiently to ask a question. Would you allow him to do that?

BINGO LICENCES

Mr Ferraro: My question is to the Minister of Consumer and Commercial Relations and it relates to the rules and regulations governing bingo in our province. The particular issue is of particular significance to my riding, but I am sure it applies to every riding in Ontario.

The situation is that for years now all the seniors' buildings, government-owned seniors' housing, in my community of Guelph have been having bingo games periodically. Indeed, they have been charging around 25 cents and upwards and there have been prizes of 10 cents, or indeed a book or a magazine. A very popular event, I might add.

One individual complained to the city that indeed they need a licence for this. The city, quite properly, responded that, yes, that is absolutely true, you do need a licence to do this and two per cent of the prizes would be the cost of the application. You have to fill out an application, obviously. You have to be a nonprofit or charitable or religious organization, and you have all these other bureaucratic expenses.

The Speaker: And your question might be?

Mr Ferraro: The question to the minister is: Would he agree with me that this type of function is not subject to investigation by the Ontario Provincial Police antiracket squad, nor are they candidates for Gamblers Anonymous and indeed—

The Speaker: Thank you. Do you agree with that speech?

Hon Mr Sorbara: I am glad my colleagues in the House let the member for Guelph ask the rest of his question. I got a little bit nervous when he started mentioning antiracket squads.

I had an opportunity to see a CKCO report on this matter, and indeed my ministry was described as the grinch who stole Christmas from seniors in Guelph. I felt very bad.

Let me tell my colleagues in the House and the member for Guelph this: If he looks at the technicality of the law—and he will need a pretty powerful magnifying glass in this case—that senior citizens' club would require a licence to

operate that bingo, even if the prizes, as I heard, were 50 cents or a magazine. But surely to goodness, we do not have regulations regulating charitable bingos in order to deny senior citizens an enjoyment they have undertaken for many years, so I question whether in this case, notwithstanding that our ministry was asked whether technically this was a violation. Indeed, I have to answer yes, and I regret that is the case.

Mr Ferraro: The minister would probably like to know that there are countless numbers of seniors who are asking for what little hair I have left on a platter.

I would like to mention the fact that my mother-in-law, Alice, is a senior. Alice likes to play bingo and she likes to play for these meagre prizes. She is a lovely woman and I would not trade her for anything, but if my mother-in-law cannot play bingo, that means she is going to have more time to visit, and she is obviously going to be at my house.

Interjections.

The Speaker: Order. Would you place your mother-in-law's supplementary, please?

Mr Ferraro: I see you have met her, Mr Speaker.

Could the minister please tell Alice when she will be able to go back and play bingo?

Hon Mr Sorbara: I am not sure, without looking at the conflict-of-interest act, whether that question is permitted. I know the member's mother-in-law always spoke very highly of you, Mr Speaker, and I am glad you interrupted that line in the supplementary.

1450

I simply want to say to all those mothers-in-law who are out there playing bingo at senior citizens' facilities that I would not expect that this technicality would prevent the carrying on of those bingos. Indeed, in the situation that we have in Guelph it was another ministry of government that actually provided the bingo equipment to allow the seniors to carry on their functions. I would not want to interfere with that at all.

Mr D. S. Cooke: I am sure most of us will not be going to Guelph for Christmas this year.

RENOVATIONS TO APARTMENT BUILDINGS

Mr D. S. Cooke: My question is to the Minister of Health (Mrs Caplan)—or the Minister of Housing.

Hon Mr Sorbara: Which is it? Choose one.

Mr D. S. Cooke: It is hard to remember. They are all the same.

My question is concerning unjustified rent increases and comes specifically out of last night's rally. The tenants missed the minister not being there. Has the minister now had the opportunity to look at this issue? Since there have been all sorts of suggestions made to him of how to solve the problem of unnecessary renovations, some of the suggestions coming from members of his own caucus, is he prepared today to announce a solution to this problem so that tenants will not continue to be ripped off by landlords who are abusing the rent control legislation in this province?

Hon Mr Sweeney: I want to take the opportunity to thank my colleague the member for St Andrew-St Patrick (Mr Kanter) who represented me at that meeting last night.

Mr Laughren: Nice try, John. He apologized for you all night.

Hon Mr Sweeney: Yes, I understand.

As my honourable friend indicated, I have had a chance to meet with other groups of people representing both sides of this concern. The Federation of Metro Tenants' Associations came in to see me about two weeks ago and the representative of the landlords' group about a week ago. They have both indicated that they are prepared to recommend changes. The first one is a recognition that the basic integrity of the building and any repairs necessary to maintain that should be done. They both recommend that there needs to be better dialogue between the landlord and the tenants when renovations and repairs are being contemplated.

The difficulty, however, particularly coming from the tenants' association, was that I not do something that will make the repairs and renovations even more difficult. As a matter of fact, as the group was leaving my office, their chairman turned to me and said, "Minister, we may be very concerned about rents this year, but two years from now we will be concerned about the stability of the buildings, and we want to make sure that we don't solve today's problem and create a worse one tomorrow." So we are working on that.

Mr D. S. Cooke: The tenants in this province, and specifically in this community, are worried about economic eviction today. It is something that the minister is going to have to come to grips with and he is going to have to bring in those solutions either by regulation change or by major changes to the legislation.

I would like to ask the minister specifically about the buildings at 138, 140 and 142 Wellesley Street East. Wendy Blaine, who is one of the tenants there, is facing a rent increase, between last year and this year. It is going from \$529 a month to \$873 a month in 1990 for such repairs as new bathroom fixtures, apartment door locks and kitchen cupboards, all things that the tenants say are not necessary in that building.

We do not need the minister to study the problem any more.

The Speaker: Your question?

Mr D. S. Cooke: The tenants were clear last night. They are demanding changes in the rent review legislation to protect them against these kinds of unjustified rent increases. When is the minister going to bring about the changes so that these tenants are protected?

Hon Mr Sweeney: The difficulty with the situation, as my honourable friend has just described, is the difference in interpretation between the two groups as to what is necessary and what is unnecessary. That, again, was something which we discussed with the tenants and with the landlords' association. What we are trying to do is come up with a clearer definition as to what falls into those categories. There have been some things that a number of people have agreed upon. Microwave ovens, for example, are one, but when you start talking about locks on doors and windows there is no common consensus.

I do not expect that we are going to be able to reach a common consensus, and I am not waiting for that, to be frank with my honourable colleague. We are trying to come up with a solution that is going to deal with today's problem as quickly as possible but that does not create a more difficult problem for tomorrow.

ROUGE VALLEY

Mrs Marland: My question is for the Minister of Municipal Affairs. He actually was not my first choice but since my first choice—

Interjections.

The Speaker: Order. We have a standing order that does not allow insulting or abusive language. Do you have a question?

Mrs Marland: Actually, I had not finished what I was going to say. My first choice would have been the Minister of the Environment (Mr Bradley), the Premier (Mr Peterson) or the Minister of Government Services (Mr Ward), but we have nine cabinet ministers absent this afternoon. But the Minister of Housing is my first

choice on a personal basis, because I feel that with his own personal integrity I will get a straight answer from him.

I know the minister is aware of the vote that took place yesterday where Metro Toronto council voted 23 to 9 in favour of a site adjacent to the Rouge Valley as Metro's proposal for an interim landfill site. My question to the minister is, will he reconfirm the government's support of my motion that the Rouge Valley and tablelands will all be protected as a provincial park and acknowledge that a landfill site is incompatible with a provincial park?

Hon Mr Sweeney: My honourable colleague is correct with respect to the decision taken by council, but she is probably also aware of the fact that at the same time Metro council and Durham council either have already concluded or are about to conclude an arrangement between the two of them whereby Metro's waste will in fact go to a site in Durham, and the likelihood of using the site on the Rouge is not high. My honourable colleague is aware that each of the five regions in the greater Toronto area is required to name a site, and the extent to which Metro will actually use that site is something that is not known to me at the present time.

Mrs Marland: Durham and Metro councils do not have the power to designate the park. The minister's government has that power and he supported my motion to that effect. Maybe I should ask the minister, since he is also the Minister of Housing, if he would agree to guarantee that there would be no housing either on the Rouge lands?

Hon Mr Sweeney: To the best of my knowledge, there is no plan to put housing on the Rouge lands that have already been identified by the Premier as being protected by the province. The difficulty, as my honourable colleague will well know, is that there are varying interpretations as to what the Rouge lands are. I can assure her, however, that those the Premier has already indicated are protected will not be used for housing.

TECHNOLOGY STUDIES

Mr Daigeler: My question is to the Minister of Colleges and Universities. About 10 days ago, I asked you about the enrolment in technology courses at our community colleges. At the time, you confirmed that in fact there has been a drop in recent years. Can the minister advise this House whether this enrolment decline has been substantial and, above all, whether we have any

indication as to why our students are staying away from these very important courses?

Hon Mr Conway: I want to thank my honourable friend for his ongoing interest in what is a very important aspect of not just post-secondary education but, quite frankly, our economic prospects for the province. I have had the opportunity since he last raised the subject with me to check the data and, regrettably, I have to inform my colleague in the House that over a five-year period, from 1983 to 1988, the college enrolment in the technology programs declined about 25 per cent, though this year, 1989-90, there appears, on the basis of preliminary data, to be an increase of about 3.5 per cent in those programs year over year.

The reasons for the decline seem to be quite varied. There has been some evidence to suggest that a lot of students are not identifying the technology programs as an avenue to the kind of careers they imagine for themselves. The House will know that the female participation in college programs has increased in the main, but female participation in the technology programs continues to be not nearly what it must be. We are looking very carefully at the factors that appear to explain the lack of enrolment in those key areas.

1500

The Speaker: This might be an appropriate time to advise all members that the tradition in this House is that it probably is best if members would address their questions and responses through the chair.

Mr Daigeler: Obviously there has been a very substantial drop, and I am surprised that it has been as great as the minister has just indicated. In view of these facts, has the minister already developed a strategy to deal with this problem? More specifically, does he plan to involve business and industry in Ontario's efforts to promote technology studies?

Hon Mr Conway: Mr Speaker, through you to my friend the member for Nepean, I can indicate that we have undertaken a number of initiatives. I would point to, for example, the restructuring of technological education at the high school level. We are going to be pursuing some new initiatives in the area of counselling because quite clearly we have got to reach students, particularly female students, in the elementary and secondary years if we are going to make them more aware of the opportunities that are out there, particularly in the technologies. We have got to change parental attitudes because parents must understand that careers in

the skilled trades and in technology are in and of themselves very worthwhile and quite remunerative careers.

My honourable friend asks about the involvement of business and industry. That is certainly a direction that we are pursuing. I was down in the Niagara Peninsula just a few weeks ago joining in a number of very successful initiatives that school boards in that area have undertaken. I recognize more needs to be done and I will be happy to report at another time about other initiatives from the Ministry of Education, the Ministry of Colleges and Universities and the Ministry of Skills Development.

RETAIL STORE HOURS

Mr Philip: In the absence of the Solicitor General (Mr Offer), I would like to ask a question of the Attorney General. Is it the minister's view that under the Retail Business Holidays Act if a merchant closes on another day of the week, such as Monday, he may be allowed to open on Sunday and not be charged under that act?

Hon Mr Scott: I will have to refer the question to the Solicitor General. I would not want to give legal advice to the member as to how he conducts himself without looking into it very carefully, which I will undertake to do.

Mr Philip: Is the Attorney General aware that if an Etobicoke store owner opens on Sunday and closes on Monday he will be charged by the Metro police and that if, on the other hand, a Mississauga store owner opens on Sunday and closes on Monday he will not be charged because Chief Teggart says that he cannot interpret section 5 of the act? Is he aware that the Solicitor General's office issued a directive that these people should be charged and then withdrew that advice? What kind of anarchy is the minister creating with this act when he cannot have one municipality interpret the act similarly to another municipality?

The Speaker: Order.

Mr Philip: What is he going to do to correct the mess so that all merchants are treated the same regardless of which municipality they happen to be located in?

Hon Mr Scott: As the honourable member knows, charges under this act, like charges under hundreds of other acts in the Criminal Code, are laid by municipal police officers who are regulated by local boards of commissioners of police. I cannot comment or answer for the practices of those municipal officials and I would

direct the honourable member to the Metropolitan Toronto council or the regional mayor.

TORONTO AREA TRANSPORTATION

Mr Cousens: I have a question for the Minister of Transportation. Given the decision of Metro and Durham region to approve an interim dump site in Whitevale, what provision will his ministry be taking to improve the transportation systems around the dump site?

Hon Mr Wrye: I can say to the honourable gentleman that our ministry has been working, not just in the area of east Metro and Durham but all over the greater Toronto area, very diligently to put together a mix of what we believe will be outstanding public transportation modes, and indeed proper arterial roads and freeways, to ensure the smooth movement of vehicular traffic and people throughout the Metro area and throughout the overall GTA. We are right now considering our options and in which ways we ought to go forward in the east Metro corridor and in Durham region. I look forward in the months to come to bringing forward a number of, I think, interesting proposals. I hope to have something to say next month as part of a public transportation proposal.

Mr Cousens: It is obvious that the minister does not have an answer to this very important question. Already we are approaching gridlock in east Metro and northeast Metro; we can barely cope now. The government is busy dealing with the glitzy entertainment issues like the 1996 Olympics and Expo 2000 and not building the necessary infrastructure. This could be a world-class province when we have the needed infrastructure, such as the dumps and the roads that serve people, instead of just making snap decisions. The minister is not involved with them; he is having a knee-jerk reaction. He is not able to come along with programs and initiatives that begin to serve those areas that we are talking about.

I will ask the question again because the Minister of Transportation has sidestepped it. He has talked about other areas. I want to ask him specifically, what will he do to improve transportation systems around the dump site? He cannot just keep on making announcements of other things without doing something specifically in that area.

The Speaker: Thank you. You did place it the second time.

Mr Cousens: Will he please tell us what he will do in that specific regard?

Hon Mr Wrye: I do not know how close to the proposed site the member wants to get, but I would prefer to look at the overall corridor. I would, in answer to the question, offer my honourable friend just one of the many, many initiatives that we are taking. I could talk about public transit, but let me, while I am on my feet today, talk about an automotive initiative.

We have just broken ground for a new project to add an additional six lanes to Highway 401 towards the east, from Morningside to Brock Road. That project is now under way and we will move ahead as quickly as possible. That very ambitious project will help unclog the congestion that party, when it was the government, helped create. The total cost of that project is nearly \$250 million. It is part of the solution, but only a part of the solution that we are getting on with.

COURT FACILITIES

Ms Oddie Munro: My question is to the Minister of Government Services. He is aware of the concerns expressed by members of the local bar, court system, police and citizenry with respect to the adequacy of court facilities in the Hamilton area, notably facilities in the criminal jurisdiction. He is also aware of the excitement several months ago at his announcement of proposals for tender in the available federal post office building was released by his ministry. I understand that the tendering process did not attract proposals which fell within the terms of reference laid down by MGS and the Ministry of the Attorney General. Would the minister outline in brief the reasons why the responses to the call for tenders were unacceptable?

Hon Mr Ward: I know that the member for Hamilton Centre has had an ongoing interest in the development of court facilities within the Hamilton-Wentworth region. Certainly the Attorney General (Mr Scott) and the Ministry of Government Services are well aware of the concerns that have been expressed over time by members of the local bar, employees of the Hamilton-Wentworth regional police and all of those that are using the current facilities at 125 Main Street. She will also know that the current lease is due for renewal in very short order and that one of the proposals we looked at was an improvement of those facilities of 125 Main Street.

But after a great deal of representation from individuals within the local community, we did take a look at possibly accessing the Canada Post building in downtown Hamilton since that facility will be moving, I believe, to Stoney

Creek. As a result, we put out a request for proposals which contain certain criteria, the first of which was a financial commitment that the cost of a lease arrangement could not exceed, I think, \$892,000. Some 60 individuals—

The Speaker: Thank you.

Hon Mr Ward: —and firms came in and picked up the requests for proposals, but none of the responses met—

The Speaker: It seems like a fairly comprehensive response.

1510

Ms Oddie Munro: The concerns of Hamiltonians in all walks of life, be they professionals involved in the courts or citizens who may be subject to the procedures and rulings of the court system, for adequate court facilities are still paramount.

I understand that the bar is now asking that the minister and the Attorney General reconsider the possibility of expanded centralized court facilities which more effectively house court administration dealing with a variety of judicial decisions, youth, criminal, civil and registry.

Could the minister assure the Hamilton-Wentworth community that alternative proposals will be entertained in the future and could he provide details of plans to receive and consider such proposals?

Hon Mr Ward: I want to reiterate the fact that we share the concern of the appropriateness of the current facilities. Both the Attorney General and I are anxious to find a long-term resolution of the difficulties that we have in terms of court accommodation in the Hamilton-Wentworth region. Currently, court facilities are at five different sites.

Last Friday, the Attorney General and I did meet with representatives of those affected. We indicated a willingness to look at four particular options: One is reconsideration of the existing lease at 125 Main Street; two is to pursue further the redevelopment of the Canada Post building; three is to find rental accommodation somewhere else within the Hamilton-Wentworth regions; four is to look at the possibility of building a new facility.

The Speaker: Thank you.

Hon Mr Ward: We have given an undertaking to the parties within Hamilton that we would review our needs and make a determination by the end of—

Mr Jackson: You're trying to run out the clock with all this technical information, are you?

The Speaker: I have noted on many occasions, though, that when 60 seconds go by, the person who is answering the question feels it is 40 and the person who is listening feels it is 80.

FOOD BANKS

Mr Allen: The House leader did not manage to spare the Minister of Community and Social Services a question, so we can perhaps get one on deck at least to him.

I think the minister is aware of the serious dilemma that food banks are facing in Ontario as they become increasingly institutionalized and part of the welfare system, the social assistance system, in the attempt to deal with the ongoing poverty problems in this province.

Would the minister be prepared to sit down with the operators of food banks in this province and have a serious and substantial discussion with them about their future and the possibility of devising strategies so that they might move out of that operation and the minister move in and take over the responsibilities that the province is effectively avoiding by allowing them to continue in the ways in which they do?

Hon Mr Beer: As the honourable member is aware, arising out of the social assistance reforms and various programs that we had announced at that point in time, we were directing a great deal of funding, some \$400 million, specifically around the problem of poverty. As we go forward with the next phases of that, part of it includes working closely with those groups that are most active in this area, reviewing how our programs are in fact working, what kind of implications they have for that whole area of programs and how we can better assist people who are in that situation.

I think what I have said in meeting with groups and agreeing to meet with others that I have not as yet met is that anyone who is concerned about this issue, I want to meet with and discuss the—

The Speaker: Thank you.

MOTIONS

COMMITTEE SITTINGS

Mr Ward moved that the standing committee on social development be authorized to meet in the evening on 11, 12, 18 and 19 December 1989 and to meet from 7 pm to 9 pm on 13 December 1989 to consider Bill 66, An Act to revise the Teachers' Superannuation Act, 1983, and to make related amendments to the Teaching Profession Act.

Motion agreed to.

Mr Ward moved that the standing committee on finance and economic affairs be authorized to meet following routine proceedings on Wednesday 20 December 1989.

Motion agreed to.

PETITIONS

FRENCH-LANGUAGE SERVICES

Ms Oddie Munro: I beg leave to present to the Legislative Assembly a petition given to me by Alliance Ontario which basically asks for a repeal of Bill 8. Thirty-two names have signed, and in compliance with the standing order, I hereto sign my name, but I want to make it quite clear that I do not agree with the resolution.

TEMAGAMI DISTRICT RESOURCES

Mr Adams: I have a petition from citizens in the Peterborough area who are members of the Learning in Leisure group at Kenner Collegiate Institute. It reads:

"We, the undersigned senior and other citizens of Canada and residents of Ontario, ask you to halt the construction of the New Liskeard Road and the logging of the largest known old-growth pine stand at Temagami, Ontario."

INTRODUCTION OF BILLS

LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1989

Mr Ward moved first reading of Bill 91, An Act to amend the Legislative Assembly Act.

Motion agreed to.

Hon Mr Ward: I have just a brief explanation. The bill increases indemnities and allowances for members by 5.5 per cent, effective 1 April 1989. It also makes the following changes in members' additional indemnities, effective 1 January 1990.

The additional indemnity of the following members is increased: the leader of any party, other than the government and the official opposition, having at least 12 members; the House leader of any party, other than the government and the official opposition, having at least 12 members; the chief whip of the official opposition; the chairs of standing committees; the chief whip of any party, other than the government and the official opposition, having at least 12 members.

An additional indemnity is provided for the following members: the chairs of select committees; the vice-chairs of standing and select committees; the chair of the caucus of each party; the deputy House leader of the party recognized

as the official opposition and the deputy House leader of any other party having at least 12 members.

PROVINCIAL PENALTIES ADJUSTMENT ACT, 1989

Mr Scott moved first reading of Bill 92, An Act to amend Fines and Terms of Imprisonment contained in certain Acts.

Motion agreed to.

EXECUTIVE COUNCIL AMENDMENT ACT, 1989

Mr Ward moved first reading of Bill 94, An Act to amend the Executive Council Act.

The Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Motion agreed to.

Hon Mr Ward: The bill provides for a 5.5 per cent increase in the remuneration for members of the executive council.

1520

HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Hon Mr Wrye moved first reading of Bill 95, An Act to amend the Highway Traffic Act.

Motion agreed to.

Hon Mr Wrye: These amendments address one of the primary objectives of the ministry, and that is safe usage of our province's roadways. At the present time, the fine structure for speeding is 20 years old and excessive speed continues to be one of the most common factors in traffic fatalities. This amendment to the Highway Traffic Act will as much as triple speeding fines and send the message that the price of recklessness behind the wheel will be steep. For example, those who insist on endangering other people will pay up to \$9.75 per kilometre over the legal limit. That would mean that those who exceed the posted limit by 50 kilometres per hour would face a fine of almost \$500.

The increased speeding fines are a necessary initiative in support of the Ontario motorist protection plan, which is intended to reduce the human and economic costs of traffic accidents in the province. To further protect the public, other amendments are proposed to ensure that all commercial vehicles carry adequate liability insurance. There are other amendments to the act

that deal with other matters, such as changes to lighting on emergency vehicles, responsibilities for air brake endorsements and the exchange of Criminal Code information with US jurisdictions.

The consideration and passage of these amendments will contribute to a safer operating environment for all motorists in Ontario.

TIMES CHANGE WOMEN'S EMPLOYMENT SERVICE INC ACT, 1989

Ms Poole moved first reading of Bill Pr56, An Act to revive Times Change Women's Employment Service Inc.

Motion agreed to.

ORDERS OF THE DAY

OPPOSITION DAY

WASTE MANAGEMENT

Mrs Grier moved opposition day motion 5:

Recognizing that Ontario faces a serious crisis in disposing of garbage; and that the government has stated that its goal is to divert 25 per cent of municipal solid waste from landfills by 1992 and 50 per cent by 2000; and that the government has so far failed to establish policies which would enable these targets to be met; and that by regulating the control of ozone-depleting substances Ontario has shown a willingness to act in advance of federal initiatives, the government of Ontario should:

(i) adopt waste reduction at source as the overriding first priority of the three Rs garbage strategy (first reduce, then reuse, lastly recycle);

(ii) establish a waste reduction office with a statutory mandate to achieve a 50 per cent reduction of solid waste within the next decade;

(iii) legislate mandatory waste reduction programs for municipalities;

(iv) legislate mandatory source separation for all waste generators and for all types of waste for which reduction, reuse and recycling opportunities exist;

(v) pass regulations to prevent the disposal of materials and products for which waste reduction alternatives exist;

(vi) phase out containers and packaging products that cannot be diverted from the waste stream;

(vii) establish warranty conditions to extend product life;

(viii) use financial incentives and disincentives such as a graduated waste management surcharge system to favour reduction and reuse of products;

(ix) introduce the needed legislation and establish the required policies at the opening of the March 1990 session of the Legislature, without waiting for a report on new federal packaging legislation expected later in 1990.

The Speaker: You have heard the motion placed by Mrs Grier. According to standing order 41(f), it will be our privilege to see that all parties share the time equally. The mover of the motion, of course, may use as much of her party's time as she wishes.

Mrs Grier: I would like to reserve perhaps five minutes at the end of my party's time allocation so that I can comment on the other interveners in the debate, if I may.

I am very pleased to have an opportunity to lead off this debate today on a motion that is extremely important and, in my opinion, extremely timely.

I regret that the Minister of the Environment (Mr Bradley) is not here to participate in the debate. I was looking forward to hearing his response and, I trust, to having his support for this eminently sensible resolution. However, he is not here. But I suspect that were he here, he would have repeated his frequent criticism that the opposition members are always critical and never gives the government any support or that it is our role to be critical of the government.

The resolution before the House today is indeed critical of the government, but it is also a very constructive resolution. It is a resolution that calls for specific action and lays out precisely what that action has to be, and it is timely, because I do not think anybody is going to deny that we have a crisis in waste management in this province.

It is a crisis that has been caused by the government's mismanagement of the problem. We hear a lot of rhetoric, we hear a lot of self-congratulation, we receive a lot of press releases, frequently recycled press releases, and we see a lot of public relations and media opportunities, but there has been a crisis in leadership. I think as evidence of that is the fact that there is dissatisfaction, unhappiness, frustration right across this province with the lack of leadership that this government has shown in resolving the waste management crisis.

We have here today, listening to this debate, just a very small number of citizens' groups, a small proportion of the large number that have sprung up in every corner of the province. There are people here from Protect Our Water and Environmental Resources, a group in Halton Hills, in the riding of Halton North. There are

people here from Watford-Warwick Landfill Committee near Sarnia, in the riding of Lambton. There are people from Pickering Ajax Citizens Together, a particularly beleaguered group from Pickering and Ajax, in the riding of Durham West. There are Citizens of Plympton Against Landfill, representatives of that group here from the Sarnia area, from the riding of Lambton.

During discussion of the minister's estimates, I shared with him a report of a meeting that had been held in the Windsor area, where I think 22 groups who are participating in the waste management planning process had come together to express their dissatisfaction with the process, their feeling that there was a lack of guidance and a lack of guidelines from the Ministry of the Environment and their extreme frustration with how the process was proceeding.

This week during question period, I and the member for York South (Mr B. Rae) have attempted to elicit from the minister some indication of where he stood on this issue of waste reduction. It is very difficult to discover where the minister stands, but by reading Hansard and trying to sort through his semantic squirmings, I think it is possible to state what his position seems to be.

His position is acknowledging that there is a crisis. In fact, the crisis is so severe in the greater Toronto area that the minister is prepared to waive the Environmental Assessment Act. There is no time for the kind of comprehensive evaluation of the interim sites which this minister and this government had pledged themselves to prior to taking office.

He also acknowledged the possibility that some of those interim sites for the greater Toronto area would not in fact be in the GTA, that they might be in Plympton, in Marmora and Lake township or in Orillia and that those sites outside the greater Toronto area might also be exempted from the Environmental Assessment Act.

1530

The minister told us that he preferred recycling of the three Rs, that this was the way in which we were going to come to grips with the garbage crisis. He stressed very clearly his reliance on volunteer effort. When I asked him whether he would be prepared to put in place some regulations about waste reduction and reuse of products, he said, "That's just like the NDP, always wanting to pass regulations."

Finally, there is the position of the minister—I cannot really believe this is a serious position for

the minister—that the federal government was going to be coming through with something on the reduction of packaging and that we ought to wait for action from the federal government. He must be joking. I put it in my resolution before this House today. I pointed out that when it suited the Minister of the Environment's purpose to appear to be a leader in environmental protection, he moved ahead of the federal government in producing legislation to deal with the ozone depletion problem.

That is just one of the contradictions and inconsistencies we so frequently see. On packaging, he is waiting for the federal government. When he wants to take credit for having moved on acid rain, he is blasting the federal government and telling us all how lacking in environmental commitment it is.

When I pointed out the very small percentage of people in his ministry that were in the waste reduction office, or the waste diversion office as he now calls it, he said, "You're always wanting me to hire more civil servants." When he is boasting about his commitment to MISA, the municipal-industrial strategy for abatement, he tells us at great length how many civil servants are working on that problem and how much resources is being devoted to that issue.

When he speaks in Sarnia about discharges into the St Clair River, he shares with us his speeches about how he is going to get tough with industry and how industry has to do its part. When we ask him to regulate industry when it comes to waste reduction, he says, "Industry is a partner and is leading the way in trying to resolve this problem."

The minister cannot continue to have it both ways. It is about time that he came up with some consistent and coherent policies and programs that would show he really had a plan and a strategy to deal with the garbage crisis we face.

The position of this party is very different and it is very clear. I want to deal with some of the points the minister has made and show how we would differ.

First of all, our commitment to the Environmental Assessment Act: This act came in in 1976 because there were sanitary landfills all across this province that were leaking and causing problems. The Liberal Party, then in opposition, joined with my party in calling for better, stronger and more environmentally sensitive legislation so that this problem would not arise again. We have the Environmental Assessment Act.

What are we doing in 1989 and 1990? We are moving backwards. We are saying that we can exempt sanitary landfill projects from the Environmental Assessment Act. The strength of course of the Environmental Assessment Act is that if you are evaluating a project under that legislation, it is incumbent upon the proponent to examine alternatives to the project that is being evaluated. Those alternatives are not just alternative locations for a sanitary landfill, but alternative ways of dealing with the garbage.

That is the crux of the resolution that is before us today. There has to be a better way than dumping it into the earth or burning it and dumping it into the air.

The result of the minister's attitude, and the fact that so many of these dumps are now going to be looked at under the Environmental Protection Act as opposed to the Environmental Assessment Act, is that the municipalities and the groups—the representatives of some of them are here today—share a very common and legitimate concern, that the sites will not be adequately evaluated.

They have no confidence that at the end of the process the best possible site will be chosen. The result of that is that a lot of unnecessary fears are raised and a great deal of effort goes into trying to prove points that, frankly, to our party are self-evident, points such as the fact that you do not put sanitary landfill in a leaky quarry on the Niagara Escarpment where blasting has been going on for 10, 20 or 30 years. Surely it is obvious that that is not a candidate site for garbage.

Surely it is obvious that the Rouge Valley lands, acknowledged to be a national if not a worldwide treasure, are a site that ought to be ruled out for garbage. How can the government say that it is going to protect the Rouge and that we ought to keep open space and all of the rhetoric we have heard from this government, and on the other hand say, as the minister did this week: "We have to examine every site. There will be adequate criteria. They will be given a hearing before the environmental board."

The refusal of the government to set down some guidelines and to eliminate patently inappropriate sites has led to all these groups almost having to fight among themselves as to, "Will it be in your backyard or will it be in my backyard?" That demeans and diminishes their really sincere and legitimate concerns about the broader environmental issues. It allows their critics to say, "All they want to do is keep it out of their backyard," instead of allowing them to put

their energies and initiatives and creativity into looking at the general problem and trying to resolve the issue.

The Environmental Assessment Act is the first area where we differ significantly from the minister.

The second point I want to elaborate on a little bit is the whole question of the hierarchy of the three Rs. Reduce, reuse and then recycle is the position of this party.

The traditional attitude towards government—towards garbage has been, “How do we dispose of it?” Maybe “towards government” is an inadvertent slip of the tongue. How do we dispose of garbage? At this point in the 20th century, surely we ought to be looking at how we avoid having to dispose of it. What can we do that we do not have the amount of garbage to dispose of that we have had in the past?

That is why we say the government has to come to grips with the situation on reduction. Garbage is waste. It is a waste of resources and it is also a hazard when we dispose of it. It is a hazard whether we put it in the ground or whether we burn it. No matter what we do with it, it comes back to haunt us in another form.

At a conference of the Recycling Council of Ontario last October, I would like to give a quote from one of the speeches:

“Garbage is too valuable to waste. It is waste, and a waste disposal problem only when we miss the point that garbage is in fact a valuable resource. This lack of understanding is coming back to haunt us with a vengeance; overflowing landfills, contaminated ground water, incinerator-generated air pollution and all in the cause of using limited resources once, and then throwing them out.

The only thing which absolutely needs to be landfilled in this province is the wrong-headed notion on onetime use of materials. Our wasteful way of life is turning valuable reusable resources into problems.”

The speaker was the Minister of the Environment. I could not have said it better myself. However, what is lacking is any commitment by this minister to put the resources and the staff in place that would get some action on reducing and reusing the materials that are wasted in this province. It is time he put the resources and the staff where his sentiments are.

The member for York South pointed out in the House this week that of a staff of 2,900 in the Ministry of the Environment, 13 are in the waste diversion office. This ministry is spending far

less on finding ways to reduce garbage than it is spending on ways to dispose of it.

The third element where we differ profoundly from the minister is on the question of whether all the effort on reduction, reuse and recycling should be left to voluntary effort. The minister made it very clear this week that he was not about to regulate.

I know, we know, I think everyone knows the commitment of the people of this province to trying to do something to protect the environment. We have seen it in the blue box program. The response has been overwhelming. I was on municipal council when blue boxes were first suggested and I well remember the works commissioner pooh-pooing the idea and saying that people would not inconvenience themselves, would not put it out and were not prepared to participate. But in fact people have shown that they are prepared to participate.

The public is committed, is concerned and is willing to do its part, but the public cannot do it alone. Hand-in-hand with that voluntary effort must go regulations and the creation of an infrastructure to support that public voluntary effort.

We know that in jurisdictions where recycling is mandatory the participation is up to 95 per cent. We are going to be very happy to get to perhaps 75 per cent with voluntary participation in the province of Ontario. One is forced to come to the conclusion that this government is so afraid of offending its friends in the business community that it is content to do less than the maximum that could be achieved in the way of reduction, reuse and recycling.

1540

Leaving recycling to voluntary effort means that at the best, six to eight per cent of our garbage will be diverted from landfills and incinerators. The minister has said his target is 25 per cent by 1992 and 50 per cent by the year 2000. In my humble opinion the minister is dreaming. He cannot reach those targets unless he is prepared to be proactive, unless he is prepared to put in place a clear strategy, a clear plan, a clear program, some targets and some timetables. One of the problems of dealing with garbage has always been the problem caused by the divided jurisdictions on the issue. The area municipalities collect the garbage, the regional municipalities dispose of it and the provincial government has prime jurisdiction over protecting the environment.

The minister boasts that 200 of the province's 900 municipalities are participating in the blue

box program. I concede that many of the larger ones are in the program or are coming into the program, but there is no guarantee that they will stay in and there is no guarantee that even when they are in the program they are going to do it correctly.

I think the story in today's Toronto Star illustrates that precisely. The minister was very critical of the city of Toronto for not doing the blue box program right. Why did he not lay down some guidelines? Why did he not put in place some rules? Why did he not make sure that if they are going to be in the blue box program they do do it right? Why is he coming around now and criticizing them while yesterday he was standing up extolling the virtues of voluntary effort and how wonderful all the municipalities are? It is time we had some consistency.

The voluntary effort is very enthusiastic at this point in time. We all know we have a crisis and people are really participating, but I am not sure we can count on that level of activity being sustained into the indefinite future. I hope it will and I trust it will, but it may not be. That is another reason we support mandatory recycling and support the municipalities being forced by the provincial government into participating and recycling.

The provincial government is prepared to do that to municipalities on housing. They are going to say, quite properly, that 25 per cent of new projects should be affordable housing. I think it tried to do something to municipalities on Sunday shopping, but that seems to have gone off the rails too. When it suits their purpose they are prepared to say to municipalities, "Thou shalt." I think it is time they did that on waste management.

The minister makes much of this voluntary aspect of the blue box program. He seems to forget that in fact the blue box program was put in place by Ontario Multi-Material Recycling Inc., not solely by the ministry, and that OMMRI was created because of the regulation on soft drink containers. We would not have had the blue box program in this province if the minister had not put in place a regulation that encouraged it, initiated it and gave it a deadline by which it had to be in place to a certain degree. I do not think that particular regulation was an appropriate one—he should have had refillable, returnable bottles rather than the emphasis on recycling—but when he is opposed to regulation it is worth reminding him that it was a regulation that brought blue boxes here in the first place.

The second element his voluntary approach ignores is the almost cliché that is now frequently ushered from that side of the House that it is time to make the polluter pay. Those responsible for producing waste have got to be made responsible for disposing it. Why should the consumer continue to pay and why should the consumer continue to assume prime responsibility for disposing of the waste, while the manufacturer has no responsibility placed on him to use recycled materials in the production of some of his packaging things or to reduce the wastes he produces in the first place?

Yet another inconsistency that is illustrated by the minister's approach is the fact that we do not have markets for some of the recycled products that come out of the blue boxes. Industry is saying: "We need some certainty of supply. We are not going to invest in another de-inking plant until we can be assured there will be a constant and steady supply of waste newspapers in order to feed that plant." If the government is going to rely on voluntary recycling that is going to rise and wane depending on the public's perception of the degree of crisis that is out there, it cannot guarantee that kind of constant supply to the markets it is hoping is going to pick up the recycled products.

Finally, an inconsistency appears when we see some of the other programs this minister has put in place. I remember well that when he announced the Countdown Acid Rain program he was asked why that program was focusing only on the four major contributors to acid rain. I happen to agree that this is what it should have done, but the minister's explanation was interesting. It was that we had to put our effort where we got the most bang for our buck, putting our resources into cutting down on the biggest contributors to the problem. In that case, the problem is acid rain.

Contrast that with the incredible amount of resources, private, public and voluntary, that have gone into the blue box program to reduce a maximum six to eight per cent of the waste. I suspect that if there had been any cost-benefit analysis done of where we should put that amount of effort, the government would have found that it was prohibiting corrugated cardboard from going into dumps and putting reusable bottles on the stores of the Liquor Control Board of Ontario. A whole lot of other initiatives with that amount of effort put into them would have reduced the garbage going to landfills by much more than eight per cent.

The plan of action outlined in my motion today, I must confess, is not an original initiative from me or from my party. The things I am suggesting are not unique. They are not as though they have never been thought of before. They are not even as though they have not been tried in other jurisdictions. They come, most specifically, from the solid waste environmental assessment plan report, a very worthwhile discussion paper on solid waste reduction and recycling that was put out by SWEAP for the municipality of Metropolitan Toronto.

The suggestions that are put forward are not, perish the thought, socialist kinds of suggestions. They are in place in many other jurisdictions.

Many of them are in place in the United States. New Jersey's legislation requires each of the state's 21 counties to develop and implement district recycling plants within prescribed time limits. Maryland requires all counties with populations of 150,000 to develop plans that will recycle 20 per cent of their waste stream. Florida, Rhode Island and Pennsylvania mandate the establishment of recycling programs by counties and cities of specified populations.

Massachusetts requires recycling ordinances that call for curbside separation by all municipalities that seek state funding to establish material recovery facilities. Florida mandates source separation. New Jersey requires that all counties pass local ordinances that mandate source separation. Oregon has a Recycling Opportunity Act, and Maryland—these are not NDP jurisdictions; these are jurisdictions that have a problem disposing of their waste, have realized they have a problem and have come to grips with that problem by a government that shows some leadership and is prepared to put down some plans and some programs.

The element in my motion today that sets a deadline is precisely because of the lack of any sense of urgency that we get from the government of this province. Every program it has put in place, whether it be the clean air program, the MISA program, the EAPIP program or any acronym you want to use has such a long time frame that one has no confidence this government recognizes the seriousness of the environmental degradation that faces us. We cannot afford a Liberal time line to come to grips with solid waste problems. That is why I have put clearly the deadline of March 1990, the new session of this Legislature, for getting from this government some comprehensive and consistent plans so that we can deal with the crisis that faces us.

That is the kind of action the people of this province are calling for: practical, possible, essential programs. That is what this motion contains and I look forward to having support for it and action from the other side of the House.

1550

Mrs Marland: I am very happy to speak to the motion put forward today by the Environment spokesperson for the New Democratic Party. The member's motion addresses a pressing problem faced not only in Ontario's major cities but in our small towns and rural areas as well—that is, the serious crisis in disposing of garbage.

I have to wonder how serious the Liberal government, however, thinks this motion is since we have eight members of its 94 majority in this House at this point. I think it is significant that there are eight people here representing the government and supposedly representing the interests of the people in this province. This is a crisis that falls on everybody's responsibilities, but most of all, of course, it falls on the Liberal government.

If they do choose not to be here, even in spite of the fact there are people who have travelled hundreds of miles to be in this House for this presentation this afternoon, I think for those deputations that are here in attendance for this critical motion the fact that some of their own members are not even in the House is rather an indication of the callous attitude of this government toward anything the opposition does.

Mrs E. J. Smith: On a point of order, Mr Speaker: The member might like to remind the people in delegations that many of the members of her caucus and ours, although not all, are at committee meetings where their presence is urgently required.

The Deputy Speaker: That is not a point of order. That is a point of information.

Mrs Marland: It certainly is not a point of order. Is it not interesting, when there are 94 of them, they have the same number of committees to cover as do the two opposition parties? I think it is very significant—

Interjections.

The Deputy Speaker: Order, please.

Mrs Marland: I think the government whip should know what is a point of order.

Mrs E. J. Smith: The member should put correct information on the record.

The Deputy Speaker: Order, please.

Mrs Marland: Is it not significant that the government whip chooses to use the opposition

time by raising points of order which are not indeed points of order? I would have thought, after being in the House almost five years, that the government whip would have known the rules of order of the proceedings in the House.

Anyway, the importance of this motion is certainly recognized by the mover of the motion and by myself as spokesperson for Environment for the Progressive Conservative caucus, and we will be supporting this motion.

I had the opportunity to discuss the pending crisis recently in the standing committee on estimates with the Minister of the Environment, and also on the CBC television program Provincial Affairs, and I welcome the chance for further debate on how to solve this urgent problem of the garbage crisis.

The gist of the member's motion is commendable. We do face a serious garbage crisis and we do need more than promises from the Liberal government in order to divert 25 per cent of municipal solid waste from landfills by 1992 and 50 per cent by the year 2000. We need action and we need it now.

In her motion, the member for Etobicoke-Lakeshore (Mrs Grier) proposes adopting "waste reduction at source as the overriding first priority of the three-Rs garbage strategy." There is no doubt that waste reduction is an ideal we must strive to achieve. Any solutions to our garbage crisis will be temporary unless we create less garbage in the first place.

However, the fact that garbage reduction requires a huge range of changes—some of which are reduced packaging, producer and consumer education and lifestyle changes—these changes will take time to implement, whereas we require immediate action to divert the pending garbage crisis. My constituents in Mississauga South cannot only stand and wait for longer-term changes, such as waste reduction at source, when their regional landfill site will be full by the end of next year.

Other options, for example a broadening of our recycling programs, can offer more immediate help while we work on achieving our end goal of reducing waste at source. It would be inappropriate to delay or reject recycling at the cost of concentrating on reduction.

I would be happier if the member's motion did not establish first, second and third priorities for waste management since all the three Rs, reduction, reuse and recycling, are valuable and will need to be emphasized in various phases of waste management. Perhaps the member might have considered appropriate short-, medium- and

long-term goals for waste diversion and the means of achieving these goals through various balances of all the three Rs.

Even though I have problems with waste reduction at source as an overriding first priority, I am going to support the member's motion. I will also note my concern with some of the means by which the member would achieve waste reduction, but I find her motion to be basically sound. I agree with most of the member's proposals for achieving waste reduction at source. I will make a few comments on each part of her motion indicating what I support and offering suggestions for changes.

First, the member's suggestion to "establish a waste reduction office with a statutory mandate to achieve a 50 per cent reduction of solid waste within the next decade." I agree that a body does need to be assigned the responsibility of achieving the waste diversion goals which the government has set; however, I question whether it is necessary to create an organization when we already have the Ministry of the Environment, a waste management branch, and under that branch a waste diversion section.

Certainly this section will need to have far more resources devoted to it in order to meet the mandate of overseeing waste diversion programs; however, the section could accomplish the job without creating yet another government body.

As well, since I believe that we must continue to look at all three Rs, I would want such a body to have a broader mandate than simply waste reduction. Again, the waste diversion section of the ministry would be appropriate for such a broader range of responsibilities. Rather than having responsibility for 50 per cent reduction of solid waste, it would be responsible for having a 50 per cent diversion of garbage from the landfill sites.

My last comment on this proposal for a waste reduction office centres on it having a statutory mandate. The Ministry of the Environment already has the mandate to oversee waste diversion. Further statutory specification of a narrow mandate would result in inflexibility for redefining that mandate. Moreover, it is unnecessary. We have limited time to develop and debate legislation in this House. Let's make sure that we spend our legislative time wisely.

I will move on to the next part of the motion, which is to "legislate mandatory waste reduction programs for municipalities." I support this proposal. As the House knows, in October 1988 I introduced a private member's bill that would

have made recycling programs mandatory in all municipalities. However, the Liberal government defeated it. Judging by this Liberal government's reaction to my bill, I fear the motion before us today will suffer the same fate.

1600

That is a pity, because we have a situation in which many Ontario municipalities still do not have recycling programs while those that do, such as Mississauga, are making important strides towards diversion of waste from the landfill sites. The success of waste reduction will be seriously hampered if it is limited to only certain municipalities.

The next proposal in the member's motion is to "legislate mandatory source separation for all waste generators and for all types of waste for which reduction, reuse and recycling opportunities exist." This is a noble aim. Again, though, I have some misgivings which I will outline briefly.

First, let us consider that "all waste generators" really means every man, woman and child in Ontario. Before we can expect to make source separation mandatory for everyone, a massive educational campaign will be required. I am surprised that the member's motion does not mention the vital educational component of waste reduction. Even fairly simple recycling programs face problems with people who do not know what is and is not recyclable. If we have had educational challenges with recycling, we will face even greater challenges with reduction programs.

I am also concerned about the practicality and the cost of enforcing mandatory source separation. We already lack sufficient means of enforcing our current environmental protection laws. I acknowledge and applaud the greater emphasis on enforcement that is emerging, but let's face it, we still are not catching many of the offenders. We must consider whether public money could be better spent on enforcing our protection laws than on developing and operating a new enforcement team for waste separation at source.

I have similar concerns with respect to the next part of the motion, which is to "pass regulations to prevent the disposal of materials and products for which waste reduction alternatives exist." I see this as being a noble but somewhat impractical idea. Are we going to require that all garbage be kept in open containers so that it is obvious whether there are materials in that garbage that are not allowed? There will always be some garbage that is meant to be kept under cover

because of odour and the ability of gusts of wind or pets to carry it off, etc.

How will we ensure that all garbage meets the waste reduction requirements? Even if we can, what about the garbage that does not fulfil those requirements? People will end up dumping such garbage illegally in dangerous locations or putting waste into the sewage system.

A more practical waste diversion practice is the member's next proposal, to "phase out containers and packaging products that cannot be diverted from the waste stream." I note her choice of the words "phase out," for it would have to be a gradual process and would require extensive consultation with businesses and industries. I note too that for this specific proposal the member speaks of waste diversion, not just waste reduction. We cannot totally eliminate containers and packages, but we can certainly reduce them and ensure that to the largest degree possible they are refillable, recyclable and biodegradable.

I like the idea contained in the next proposal, to "establish warranty conditions to extend product life." Obviously the better built a product is and the longer its life, the less we will send worn-out products to garbage dumps. However, I do not see the establishment of warranty conditions to be a government responsibility. What the government could do, however, is to provide incentives for companies to manufacture or market, and for consumers to purchase, long-lasting warranted products. The government must recognize that because such products are more expensive both to manufacture and to purchase, it will take incentives to break our bad throwaway habits.

The member recognized the need for such incentives. Her next proposal is to "use financial incentives and disincentives such as a graduated waste management surcharge system to favour reduction and reuse of products." There are other incentives the government might consider. For instance, provincial income tax credits, business tax credits, capital cost allowances and grants. Another possibility would be a combination debit-credit system: credits for meeting waste reduction requirements and debits for noncompliance.

I have come to the last part of the member's motion, "introduce the needed legislation and establish the required policies at the opening of the March 1990 session of the Legislature, without waiting for a report on new federal packaging legislation expected later in 1990."

I agree that the sooner the government takes action the better. The Ministry of the Environment should already be working on the means to achieve its minister's stated goals of 25 per cent diversion from the waste stream by 1992 and 50 per cent by the year 2000.

We need concrete evidence of what is being done. It should be possible for the government to present a strategic plan and to take the first legislative steps in another three and a half months. Later adjustments are possible to ensure that the provincial and federal packaging laws work in tandem.

In closing, I want to state my support for one of the member's purposes in introducing this motion; that is, to make diversion from the waste stream mandatory across the province. Many municipalities, residents and industries have happily jumped on the blue box recycling wagon, but recycling could have been even more successful if, as I had proposed in my private member's bill, it had been mandated in all municipalities.

I also want to make it clear that I believe we have to broaden our approach to waste diversion to include reduction at source, which is the ultimate answer to our garbage crisis. I do not agree with the member for Etobicoke-Lakeshore regarding the establishment of a one-two-three order for the three Rs, since that order will change depending on local conditions, phases in a waste diversion strategy, etc. However, that does not mean I do not believe in waste reduction. Indeed, I will vote in favour of the motion before us.

I wish the member luck, however, in obtaining the Liberal government's support for her motion, when it would not even support mandatory recycling. Hopefully, in the year that has passed since my recycling bill was debated, the government has accepted the fact that it can learn some lessons from the opposition.

I note at this time that the Minister of the Environment has arrived. I am hopeful that his presence among the other few members of his government will at least guide some wisdom into the vote that his members will take at the end of this afternoon.

The Liberals saw the light of day when it came to my motion to preserve the Rouge lands as a provincial park, which they supported unanimously. Let us hope they will show the same logic and intelligence today and support this motion.

Hon Mr Bradley: I am sorry I did not get an opportunity to hear the leadoff speaker for the

New Democratic Party and the mover of the motion, the member for Etobicoke-Lakeshore. I did get to catch the very end of the presentation made by the member for Mississauga South (Mrs Marland) on this important subject.

I am pleased the members brought this forward. I know they never believe that when the opposition brings forward something the government is interested in it, but I think it bodes well for the environment when we have people from all sides of the House raising these matters.

While there are individual points within it that are difficult, I suspect when it was crafted—not by the member, because I fully respect her commitment to the environment and her seriousness about all of these matters—I suspect when some of these are crafted by the official opposition, whoever actually crafts them, they are written in such a way so that they will not be supported by the government or will be difficult to be supported by the government. I really believe that.

1610

Interjections.

Hon Mr Bradley: I look at some of the dates, for instance, as they coincidentally coincide with the federal-provincial task force report, which is to be in March of this year, and I know they are aware that report is to come forward in March.

Anyway, I wanted to participate in this debate. Interestingly enough, I have been at the meeting of the Ontario Round Table on Environment and Economy all of the days so far, and one of the subjects in a general sense that a lot of us were talking about was a manner in which we can reduce the amount of material that would be thrown out; let's put it that way, in plain terms. So it would go to either a landfill or an incinerator.

I think we have made some significant strides in North America, which I consider to be a very wasteful society compared to others, and largely because we have had room out there, probably, over the years, or we have felt that we have had room for landfilling purposes, so there has not been that pressure that there has been in some other jurisdictions where there has not been that land mass. It has been unfortunate that there has not been that pressure. That pressure is there now, and it has motivated people, I think, in various jurisdictions.

I was told by some of my members a few of the things that the member for Etobicoke-Lakeshore had said as I came in—and she has municipal experience, as do the member for Mississauga South and I—about the initial reactions to

recycling; even the blue box program, which is quite basic in terms of recycling. Some of the early reaction to it was what I would call Neanderthal at best in terms of those who should have known better and those who had to make it work. Essentially, it was a perception of increasing difficulties in the future, and really, I give credit to local groups, public-spirited, public-minded groups with an environmental bent, that persuaded municipal councils to become involved. The member for Mississauga South would know, of course, that her municipality was among the first in the province of Ontario to have a program, and I was certainly delighted to see that, and I was delighted to see the number of municipalities that have joined since.

As the member for Etobicoke-Lakeshore and her leader said the other day, on 10 March 1989 I announced some province-wide recycling goals of 25 per cent diversion in 1992 and 50 per cent in 2000. Many people at that time said they were very ambitious goals, that somehow they were unrealistic goals. People who were pretty, I would say, radical in the field of the environment in terms of waste management said those were very ambitious goals.

I genuinely felt at the time they could be achieved. Part of that was based on the fact that I cannot recall any program in the field of the environment or in other fields—and there might be others; I really cannot say for certain—where there has been the kind of enthusiasm and voluntary participation that we have seen in the field of recycling and the ways that individuals and, now, people who are in the business and corporate sector are looking at ways of diverting from incineration and landfill.

In terms of the corporate sector, I think, first, there is a recognition that it sees that the consumer out there and the general public do not look favourably upon those who are wasteful in their ways, and that has been one of the motivating factors.

The second, and probably more important, motivating factor has been the fact that tipping fees have increased drastically in various jurisdictions in the province of Ontario. They have increased because, of course, the cost of siting a new landfill or incinerator or operating it or the perpetual care, in the case of a landfill, is substantially higher, many times higher, than it was in the past. And I am one who believes that many of those who operated landfills, or incinerators, in the past in fact undercharged for their use. There was not full-cost accounting taking place in those days. We are moving closer

to full-cost accounting now, and it has compelled business and industry to look very seriously at and start to change their ways so that they are not creating the same kind of waste in terms of their operations, waste they would directly have to dispose of, because of that substantial cost. It has many people thinking about and moving forward in ways of not creating it and diverting that waste from either a landfill or an incinerator. That is pleasing to me.

I know our waste management branch, which is a very extensive branch within government, there are many components to it, as well as other parts of the ministry, and other parts of the government, for that matter, have been encouraging people to adopt new ways of looking at the waste they are creating and of avoiding the creation of that waste.

I am told the motion incorrectly states our goals. It is a diversion from landfill and incineration, not just landfill, but I do not want to quibble with the parts of it. I know the member for Etobicoke-Lakeshore believes, as I do, that there is not a fourth R in terms of diversion. There is a fourth R, there is incineration in terms of an option that is available for waste disposal in the province under very careful evaluation, but it is certainly not one which I consider to be a method of diversion from ultimate disposal.

So I look at three Rs, as I know she does, and I know she means the diversion from either one. I do not want to quibble with that. Even though I have a little note here that says I should quibble with that, I am not going to do that today.

The first principle of waste management, of course, I think, are all the three Rs. I think reduction, reuse and recycling are all important components in our society, depending on the municipality, depending on the location, depending on a lot of different circumstances. I think the three of those are valuable to pursue, and if pursued properly and with the proper attitude of mind, they can be very useful.

One of the problems we encounter, I guess, in any jurisdiction is how people actually approach it. If they approach it with enthusiasm and with commitment, we often see that there are few glitches that take place in any of the programs that are set up.

Some people, you almost believe, make the programs so that they will fail. I hope that is not the case in any of our jurisdictions, but I remember listening to a program at one time, somebody from Rochester was on the air, saying: "See? Recycling did not work in Rochester."

They gave all the excuses as to why it did not work in Rochester, New York.

These goals, I must say, have been adopted by environment ministers across the country. Not all of the provinces have the same circumstances we have. We are highly industrialized. We have the largest population of any of the provinces. Some of them, I think, have the same problems or will have them in the near future, but there is not the same sense of immediacy, sometimes, in other jurisdictions. But all of them adopted the Ontario goals as national goals at a recent meeting of the Canadian Council of Resource and Environment Ministers.

In addition, I have expressed on many occasions, as members of this House will know, the view that if the federal task force—it is not just the federal government we are looking at; it is a federal-provincial ministers task force which is set up to report in March of this year—does not come up with a program that we in Ontario find to be satisfactory in terms of, for instance, national packaging laws, that we must move rapidly in Ontario to establish those laws.

It is unfortunate because we have interprovincial trade. Everybody, I think, recognizes how much better it is in that specific case, because we are dealing with interprovincial trade, to in fact have national packaging laws. I have stated to several conferences that I have spoken to that Ontario is quite prepared to go it alone if this task force does not produce the kind of national program that we think suits the needs of Ontario and of this country as a whole.

There has been some discussion of environmental assessment, and I must say that this government has, in fact, expanded environmental assessment into the private sector, much to the chagrin of some in the private sector and much to the chagrin of many municipalities across the province of Ontario.

Of course, the Environmental Assessment Board may evaluate any particular site that is dealt with under either the Environmental Assessment Act or the Environmental Protection Act. The Environmental Assessment Act, of course, particularly looks at some of the alternatives, but the Environmental Protection Act ensures that no particular site or facility or proposal can be accepted if it is not environmentally acceptable. They look very carefully at that.

The board renders the decision. There are commenting agencies within government and others, and of course, there are opponents to any particular proposal, who I have found, particu-

larly in recent years, have made some very articulate and compelling cases before the board.

1620

As members know, the board has turned down some proposals from time to time, as well as accepted some proposals with conditions. I cannot think of any they have ever accepted outright.

I also recognize that whatever site is chosen for either an incinerator or landfill in the province of Ontario or in any jurisdiction will not meet with the approval of some people. There is always going to be opposition. That is understandable, and one would expect people to make those arguments. I never expect that the opposition is ever going to agree that something should go someplace or other. That is, frankly, not the role of the opposition. I sat there for eight years, and certainly, if I were sitting where the member for Etobicoke-Lakeshore or the member for Mississauga South or any other member is sitting, I would not be saying—I might be saying, "It should not go here, here, here and here," but I would not be telling the member where it should go. That is the role of the government, they will say, and that is one of the luxuries of being in opposition, that you do not have to make those very difficult decisions.

But again, I have heard people from this side of the House condemn us for that in years gone by. I have come to recognize, having sat on both sides of the House, that the buck always stops eventually on the side that has to make the decision. Others will offer their constructive or other kinds of criticism of whatever we happen to do.

I want to indicate as well, as I have on a number of occasions, that I listen sometimes and perhaps the opposition will say, particularly the New Democratic Party, I suppose, to the Conservatives, "You know, it's your friends in business or industry," or something like that. I am going to tell members, if they took a poll of what they think of the Minister of the Environment of Ontario in the industrial and business sector, I am afraid I would not register in double digits in that particular poll.

Mrs Grier: If they had to choose between you and me, you would win.

Hon Mr Bradley: If the member for Etobicoke-Lakeshore actually had the responsibility of being the Environment minister and had to make those tough decisions, I am not convinced that the poll would be any different in terms of the popularity of the minister. I can tell members that out there probably many people, at

least in that sector, consider that I move far too drastically. The member for Etobicoke-Lakeshore would not think so, and I hope she never does, because we will always require prodding on this side, and constructive criticism, which she and others offer to us.

I want also to deal with, because it was in a question that was asked the other day—first of all, I want to say the fact is that I have always indicated that we are prepared to regulate when regulation is actually required, when we do not see the voluntary participation.

I like to see the private sector investing money into the three Rs in the province of Ontario. Ontario Multi-Material Recycling Inc was one good example of that, where they invested \$20 million into it and they had an infusion of funds. We have had a drastic increase, of course, a 10-fold increase in the infusion of funds into the field of waste diversion since we have come into office. There has been a good investment by OMMRI, not only the investment of money but the commitment to make recycling work, from people like Bob Flemington, who I happen to think has done a very good job in that regard. There are not many people I compliment who we regulate, but I think Bob Flemington is one person who comes to mind who is certainly deserving of that.

We have also staff and resources within our ministry. That is not the entire answer. In the specific area of waste management, for instance, it is essential that we have in the province of Ontario a component of that, but there are many people in municipalities and in groups such as the Recycling Council of Ontario, my recycling advisory committee and others who are doing a lot of work in advising us in the field of recycling. Those people, I think, must be taken into account when we are looking at the number of people who are actually working on this problem. As the new allocations are being developed in each of the ministries, I always make representations to my friend the Treasurer (Mr R. F. Nixon) and my friend the Chairman of the Management Board of Cabinet (Mr Elston) for additional people and resources when they are required. I want to assure members of the House I will continue to do that.

I also want to say that I hear talk about what they do in other jurisdictions, and I guess the grass is always greener somewhere else. I often think, "Gee, there must be some good ideas in other areas," and there are. We are prepared to adopt those ideas when they are better. Interestingly, though, I hear many states and other

jurisdictions talked about as leaders, and we should go there and we should see what they are doing. In fact, they keep coming here to see what we are doing and why we have the success that we have, why we have 1.8 million households on blue box recycling, why we see so many new initiatives happening.

That is obviously why the United Nations awarded the province of Ontario, not the Ministry of the Environment, not OMMRI alone and not the recycling council, but jointly accepting on behalf of the people of the province of Ontario the award for the blue box initiative.

We also have wood recycling. I was up in Brampton, as I made note, in the not-too-distant past to open a wood recycling initiative. There are a lot of things happening out there in terms of that, as well. They are seeing it as a resource. Instead of just seeing it as a waste, they are starting to see this as a resource. "How can we reuse that?"

At Quebec and Ontario Paper—I was looking at what they do down there. It is near my particular municipality; it is in Thorold. They have a de-inking plant where they de-ink the newsprint and then they make new paper out of it. Recycled paper is part of that component. They also use a lot of wood waste that used to be thrown out into landfills or burnt or something. They use that as well. Wood chips used to be thrown away, but in the combination they use that in the pulping process, and that has been exceedingly helpful.

We have Atlantic Packaging Products in Whitby which is coming on with a de-inking plant, and I think others who are perceptive and looking to the future will recognize that that is a good investment for them to get into in terms of the paper industry.

I look at Fraser paper in Thorold, Ontario, which I think has doubled its initiative in terms of fine paper recycling in the province of Ontario, and I think that is extremely positive.

I look at boxboard and corrugated cardboard and so on; people are recycling that today.

I look at Guelph, which has been a leader on many occasions, with its pilot projects getting apartments involved. There was some misperception among some that somehow people who live in apartments would not care to participate in recycling. What nonsense. In fact, they have participated at exactly the same rate as everybody else, and it was just silliness of people to suggest that. So we see municipalities getting into the field of getting the multiple-family units, the apartments and townhouses and others involved

in recycling efforts and that is exceedingly important. It is growing in this province.

I think the kind of investments we are making and private industry is matching and making in terms of the industrial 3Rs are going to make a substantial difference as we go into the future.

Composting—the farmers smile when you talk about composting. They have been doing it for years, but now people are buying home composters and that is making a difference. Does it, by itself, change the world? No, but it is yet another component of it, whether it is leaves that they are composting or it is household wastes that can go into it. There are a number of things, of course, that can go into the composter.

Where it is not viable necessarily, for instance, perhaps for apartments to have an easy composter, municipalities are now looking at and establishing major compost areas within the municipality to deal with that initiative, and I think that is exceedingly important.

I mentioned OMMRI. I think there is going to be a daughter of OMMRI, or OMMRI II, or whatever you want to call it, that will be emerging in the province of Ontario, and that is where we are going to see people such as the newspaper publishers. We notice that large newspapers, for instance, are now looking, in their next contracts, at the possibility of having a major contribution to it. They recognize that they are part of the problem and they want to be part of the solution.

So while the Toronto Sun contract, for instance, came up at the right time and it is buying from Quebec and Ontario Paper and have a newspaper which has a recycled component in it—I think the Financial Post and a number of other newspapers—others, when you think mainly of dailies such as the Globe and Mail and the Toronto Star, no doubt will be coming on stream as their contracts come up. They will be in a position then to stipulate within those contracts that they should have a certain component of recycled paper. I think that is going to be very, very important when that happens.

So we are seeing a lot of these activities taking place. I expect the grocery sector, the food sector and others to be participating in OMMRI II, as well as the soft drink industry and others.

I am therefore much more optimistic perhaps than the member who has brought forward this resolution, though Heaven knows I am always thankful that she does bring these forward, because it does focus attention both outside government and inside government on the real needs that exist in the particular area. And even I

suspect that she gets help from the member for Nickel Belt (Mr Laughren), who would have a concern about these matters, the member for Riverdale (Mr Reville) and others. She shakes her head no, but I think he has been—

Mrs Grier: Constantly.

1630

Hon Mr Bradley: Oh, “constantly,” she says. It is nice to hear that even those who have not been noted in terms of being the Environment critic but have certain environmental concerns are supportive of her, and I appreciate that on the part of the member for Nickel Belt.

I am going to look at a few other things that I have put together here. I want to save some time for some of my colleagues. I think I have covered a lot of the activity that is in here.

We expect that by 1990 there will be over two million households on the blue box program. We have a lot more components. We have had discussions with the plastics industry. We think we can have mixed plastics in there in the not-too-distant future. What we have to do is separate those, and probably put certain logos on them, to ensure that you do not mix certain kinds of resins, certain kinds of plastics into those to cause a particular problem. We think that can work and we think we can expand the number of plastics and reuse those again so we are not just tossing them away after using them on only one occasion. We expect to have three million households in the not-too-distant future on the blue box program.

I am told some 60,000 apartments and 70,000 rural homes now receive blue box service. As I say, it is expanding on almost a weekly basis. It is the largest program of its kind in North America. Regardless of what people will tell you about other jurisdictions, take a look at ours. It is the largest in North America. Does that mean it is enough? No, it does not, but it means it is a good start and it means we have to build on that.

I look at compulsion. As I mentioned in my speech earlier, we are certainly prepared to regulate. We have in a number of fields. But boy, we have seen such a good reaction in people voluntarily participating, starting up these programs, you hate to come in with a sledgehammer and hit the rest of them. But if it does not work, if we see a flagging of that enthusiasm, whether it is in the private sector where people are generating these wastes or whether it is in participation, we are certainly then prepared to move forward. That is why I think many of these components within the resolution are certainly worthy of support.

I speak of the Student Action for Recycling program in schools. I go to various schools and people are eager to get involved. Now all of the schools are eager to participate and are eligible to participate wherever there is a blue box recycling program in a community. That puts additional pressure on that community to adopt those particular programs. I think that is very positive.

That is positive from two points of view. First of all, there is that so-called waste created—I call it good waste in this case—in those schools that can be recycled. Second, there is the educational component, which I think is very important to many in our community.

I want to tell the members of the House that funding for waste management programs has increased by 33 per cent this year, to \$32.1 million from \$24.1 million last year. That is, I think, a substantial increase in the amount of money.

I expect, and I genuinely expect this at all times, that the business community is going to recognize its responsibility for the products it makes and continue to assist in the three-Rs effort. I think that can make a difference. Not only should every industry be striving to reduce its waste, but also to incorporate recycled materials into its products and make its own products recyclable. I think that can be done.

As I have indicated, if these voluntary contributions are not forthcoming, this government will not hesitate to bring in legislation on packaging which will help achieve our recycling goals.

The ministry is committed to market development for recycled materials as well and we have been working in that direction. I am working with other environment ministers to create national packaging standards. I already said that, I guess. Packaging standards are certainly going to be important in the future.

I think the member who puts this forward should take heart. I appreciate what she has done today and I say that in all sincerity because I think that is important.

Mr Laughren: However—

Hon Mr Bradley: I am not even saying “however.” I am just looking at the resolution right now. I think if it had been crafted in a certain way—the member for Riverdale might be the kind of person who thinks in a more partisan sense and would deliberately craft such a resolution, thinking, “If I put in certain deadlines that I know are nonsensical, somehow the government can’t vote for this.”

Mrs Grier: Such cynicism ill becomes you.

Hon Mr Bradley: I hate to be cynical, and I should not be, but the member has to remember how long I sat on that side of the House. I know how opposition people think.

Mr Laughren: Just because you behave that way doesn’t mean we do.

Mr D. S. Cooke: You were House leader for a while.

The Deputy Speaker: Order, please.

Hon Mr Bradley: I am glad that you have intervened, Mr Speaker, to protect me from these illegitimate and ill-conceived interjections on the part of the people opposite.

I hope that I have been of some assistance in outlining the position of the government of Ontario. Other members will want to participate, my colleagues who want to participate in this.

I have taken a lot of time myself, but I felt it was in fairness to the member for Etobicoke-Lakeshore, even though these opposition days come as a surprise, always when there are 100 meetings. I have even more meetings today—for instance, the Premier’s Council on Health Strategy—yet I still think it is very useful to come back.

Mr Laughren: Stop whining.

Hon Mr Bradley: The member over there says I should not complain. He is probably right because I recall those kinds of interventions on a surprise basis in the past, back in the days when we could have an emergency debate.

I hope I have been helpful in clarifying the position of the government and I certainly want to offer my congratulations to the member for having this matter debated before the House. I do not think we have enough of these kinds of discussions within the House itself.

Mrs Grier: Oh, we can do it again next week.

Hon Mr Bradley: She suggests we can do it again next week. There is question period. She enjoys estimates very much, where we are able to talk at some length on these issues. I hope that this resolution will be helpful in generating even more interest in the subject, and the kind of action that we would like to see will of course continue to be forthcoming from this government.

Mr Laughren: I am pleased to engage in this debate, particularly in view of the quality of the motion brought forward by my colleague the member for Etobicoke-Lakeshore. I could not help but think as I was sitting there, having listened to the member for Etobicoke-Lakeshore

and then to the Minister of the Environment, what a wonderful, what a truly marvellous Minister of the Environment the member for Etobicoke-Lakeshore would be. There would be no smoke and mirrors, none of this press release a day and no long, rambling, self-congratulatory answers.

Hon Mr Bradley: I've seen the NDP when they're in power and I tell you they're pussycats.

Mr Laughren: Her speeches would not be totally preoccupied with self-congratulation either, but there would be crisp, decisive, environmentally friendly answers all the time.

Hon Mr Bradley: You just try to get NDP governments to move. When they were in power, you couldn't. I remember.

Mr Laughren: Environmentally friendly answers and environmentally friendly decisions day after day are what we would get from the member for Etobicoke-Lakeshore.

Hon Mr Bradley: I dealt with Manitoba and I dragged it kicking and screaming.

Mr Laughren: I should tell the minister as well that he is being so defensive. He is either being self-congratulatory or he is being defensive, one or the other.

I should tell him that he made a remark that I was not the Environment critic. He is quite right, and I would not want to be the Environment critic with the member for Etobicoke-Lakeshore here.

I will just tell him that all of our economic policymaking within this caucus now is fully integrated with environmental questions and decision-making as well. We realize that is a terribly important component of the whole decision-making surrounding ecological questions. I only wish that the minister could convince the Treasurer that was the case. I will have a word about that a little later.

We truly must challenge some of the accepted so-called truths that we have lived with for these many years, such as that so-called truth that maximum economic growth would bestow a degree of happiness on all of us. That is the marketplace way of thinking. It started with Adam Smith and it has never gone away. It is still here. We still live in that kind of society where economic growth is important, but surely to goodness we are now realizing that the way we produce fundamentally wrong and that the way we distribute what we produce is fundamentally wrong as well.

We know with a certainty that we have limited resources on our planet and yet we are still not behaving as though we know that and understand

that. By doing that we are, in effect, stealing from those generations that will follow us. We are not going to leave future generations what we should be leaving them. We need to develop alternatives to the present economic system, alternatives that will pollute less and, dare I say it, might in some cases even produce less, produce more efficiently but produce less.

1640

I hasten to add, before members start hooting at me, that we must at the same time protect people and their jobs. We would be pretty foolish to do otherwise. But we really do need to rethink our economic system. I would hope that the Progressive Conservative Party, which really is the beacon for the free enterprise system in this country—I am thinking now more at the federal level because it is the government there—has to very seriously think and really must start reassessing its commitment to the market system. It simply is not going to protect our environment.

We have never factored in environmental costs in what we do. I think of the community I live in. I live perhaps three miles from Inco's superstack and I think of the taxes that Inco has paid over the years compared to the environmental damage that it has done, not just in the immediate community, but for miles and miles and miles around. At no point have they been assessed for that environmental damage.

I can remember during the crisis when there were layoffs and shutdowns in the Sudbury community we engaged in what we called the greening of Sudbury. I am glad the member for Sudbury (Mr Campbell) is here today. One summer I believe there were 1,500 people out in the surrounding terrain planting seed to make Sudbury greener. Guess who picked up the tab for that? Not the people who had made it ungreen, no. The taxpayers picked up the tab for that; not Inco, not Falconbridge.

We have got to start building into the cost of the goods we produce the cost of the environmental damage that they do. That is why the present Minister of the Environment has to have a more serious talk with the Treasurer about changing the tax system in this province, because we simply cannot continue the way we are.

But I hasten to add—and I am glad that the member for Essex-Kent (Mr McGuigan) is here, being a farmer—that we cannot simply say farmers will not be allowed to use any more chemicals without thinking what that means to the farming community and making sure that we do something about it.

I remember being engaged in a debate over forestry where I was adamantly opposed to the spraying of chemicals. People came to me and said, "You can't do that"—this is in my own community—"because it is going to cost jobs in the forestry industry." Guess what? We found a better way to do it, by spraying biological sprays, and it did not cost the jobs. But there had to be a fierce determination not to use chemicals first, and that put the pressure on to develop a new system of spraying. We had to rule out chemicals first.

I look at the Temagami area. The issue at Temagami now is multifaceted because we have the native land claim. But even if there was no native land claim, there would be a serious issue in Temagami about whether or not to cut that stand of red and white pines. That would still be a serious issue. We cannot—and I am speaking of my own party here as much as anyone else—make decisions in isolation from the people who earn their living cutting those trees. That is going to cost us a lot of money as a society; it is not going to come easy. But I have not heard this government talk about one program that would help the people in Temagami if those trees are not cut, and it is not certain at this point that they will be cut. So the government allows tensions to build, conflict to build, because it does not do that. We simply have to take the inequality out of change.

It is not those working people who have done the environmental damage and they are not the ones who should pay the price for correcting it. We must be absolutely sure of that. I will not have any part of a system that says, "We're going to clean up the environment but we're going to make the working people pay for it." If we as a society are going to jump on, for lack of a better term, the green bandwagon, there had better be some luggage on that bandwagon that contains a large dose of democracy and equality because it is simply inappropriate to ask people who are simply earning their living to pay the price for change.

I am not saying they are uncaring or unthoughtful, but I would encourage those groups out there, such as Greenpeace, the Temagami Wilderness Society and the Green Party, everybody in the ecological movement, that when they are talking about greening our society they also factor in the redistribution of wealth and power in our society when they are doing it. To do otherwise is completely unacceptable. That is when we test the people out there who have a commitment to the environment, because some-

body is going to have to pay, and we are going to see who is going to do that paying.

That is where the provincial government comes in. I know we all have individual responsibilities in protecting the environment. I understand that. I understand as well that individuals doing little things adds up to big things. I appreciate that, as David Suzuki so often tells us, but I also know that there is a very important role for government. Individuals out there cannot change the tax system. Governments can change the tax system and thereby alter individual behaviour. That is why it is terribly important that the government do that, because we simply must convince this Treasurer that taxes take consideration of the cost of the products that are being produced and distributed. We cannot remove taxes from that.

We must impose taxes. I am not talking about a tax grab here. I hesitate to even say this to the Treasurer, because Maximum Bob, who will always tax to the max, is too apt to see this as an opportunity for a tax grab, and that is not what I am talking about. I hope it could even be taxation-neutral in the end, that it would simply alter the way in which people consume. I agree, as I think most people do, about the 3Rs of reduction, reuse and recycling, and this is not a pitch for taxes to increase revenues for government.

I would simply say we need to have a recycling tax on packaging, and that can be done. There is no reason it cannot be done. We need a provincial carbon tax that would tax fossil fuels and encourage energy efficiency. We need a sliding scale of rebates and taxes. As a matter of fact, this government did that already with a tax on large automobiles, but at the same time it did that, there is no rebate that encourages people or rewards people who buy smaller cars. There is a contradiction there, it seems to me, and the government has to understand that.

At this point there still is a provincial tax on people who retrofit their homes, and that is ridiculous. If we are serious about this, we encourage people. We use financial penalties—I call them disincentives—and financial incentives for people who will engage in energy efficiency.

I am running out of time, because I want to leave time for other people, but I could spend the rest of the afternoon talking about ways in which we could make the forest industry a lot more efficient and encourage a different kind of consumption of products that are based on the forest industry.

In conclusion, I would simply say that we have got to get off the train of production and consumption which is taking us to a destination none of us wants to go to. That simply has to be changed. The government must stop talking and engaging in rhetoric and really get into some serious action on this. The government has provided the leadership with the blue box program, but there is much more to be done. I am speaking primarily as the Treasury critic for my caucus in saying that it is time the tax system in the province reflected the new concerns that are out there in our society about protection of the environment.

Mr McLean: The first part of the member's resolution really says it all. It says, "Recognizing that Ontario faces a serious crisis in disposing of garbage; and that the government has stated that its goal is to divert 25 per cent of municipal solid waste from landfills by 1992 and 50 per cent by 2000; and that the government has so far failed to establish policies which would enable these targets to be met...."

1650

The first part of that resolution really says it all, and that is why we are here today debating this very special resolution. I am pleased to have the opportunity to say a few words concerning the resolution from the member for Etobicoke-Lakeshore. This is an extremely important matter. If the government continues with its lack of action on the garbage disposal front, our children and our children's children will be confronted with a very serious crisis. This government will leave them with a legacy of garbage, pollution and environmentally unacceptable landfill sites throughout the province.

I commend the member for bringing this resolution forward and the participation and the interest that she has in this, along with my colleague the member for Mississauga South who has previously brought resolutions forward too. This government has very poor marks when it comes to the test of garbage disposal. The minister likes to indicate how tough he has been, but really when we get to the facts, it is not proved so.

We talk about the three Rs, a garbage strategy to reduce, reuse and recycle. It has hit close to home in the riding of Simcoe East. This government's apparent support of Metropolitan Toronto's proposal to ship its garbage to the UHTHOFF quarry, if it qualifies, which is located northwest of the city of Orillia in the township Orillia, puzzles me a great deal.

This is a limestone quarry that has cracks caused by blasting, and there is a great deal of ground water in the vicinity of the quarry. Yet I believe the Ministry of the Environment claims that the quarry would make an acceptable landfill site for the Metro Toronto garbage if tests prove acceptable, if it is lined properly. If that is true, then why does this government not find a site in or around Metro Toronto, line it properly, and use it for Toronto's own garbage rather than having it shipped to the municipalities of Simcoe county?

But that is not the answer. The answer is that we have to get away from landfills. By even suggesting that this quarry would make an ideal landfill site for Metro Toronto is a clear indication that this government is again failing to rise to the challenge. The challenge facing our modern, industrialized society is that of finding environmentally safe and economically sound methods for solving the waste management crisis in this province. It is a sad state of affairs when Ontario's Minister of the Environment continues to show a lack of leadership and imagination when it comes to facing the serious crisis of the disposal of garbage.

I have repeatedly, on several occasions, urged the minister to support the construction of recycling plants for paper, aluminum, glass and plastic, but the minister fails to recognize that recycling plants would create jobs, save resources, reduce pollution and assist municipalities struggling to cope with the burden and expense of garbage disposal.

Instead, the minister prefers to suggest that the way out of this garbage problem would be to ship garbage from one municipality to another. The minister is not solving the garbage crisis; he is aggravating it and helping it to grow. Why does he not order the Toronto Star and the Globe and Mail to use reusable paper? Why has he not shown that leadership? Why has he not instructed them to do that?

The government had an opportunity to show some leadership in a nonpartisan fashion when my colleague the member for Mississauga South introduced Bill 89, An Act requiring Municipalities to establish Programs for Recycling of Garbage. I sincerely believe that Bill 89 was a thoughtful and practical proposal that would have contributed a great deal to easing the strain of our overloaded landfill sites. The member for Mississauga South and I would have been the first to admit that Bill 89 was not the ultimate solution to the garbage crisis in the province of Ontario, but it was more than the government has

offered to the people of Ontario and it would have gone a long way towards helping solve this extremely serious problem.

But the Minister of the Environment and his government colleagues choose not to support Bill 89. The minister and his colleagues apparently do not know that the benefits of recycling are enormous. To begin with, experts indicate that more than 30 per cent of all garbage could be recycled. That means that 30 per cent less of our garbage would end up in landfill sites. Recycling is an environmentally sound proposition. Instead of burning garbage or allowing it to decay in landfill sites, Ontario's industries could reuse materials such as glass, metals, plastic, paper.

Private enterprise is going to be the major industry that is going to solve our garbage crisis, not the minister, but the minister should be showing leadership in helping to do it. Ultimately, everyone, including industry, government and private citizens, benefits from recycling. I think it is time for the Minister of the Environment and his government colleagues to wake up to this fact. But he continues to dream on while the people of Ontario are left with a nightmare problem in garbage.

The list of crisis areas in this province grows longer every day. The government should be aware of the severity of the garbage crisis by now. At least I hope they are aware of it. I only wish the Premier and the Minister of the Environment could have been with me earlier this year when I met with pupils and teachers at Couchiching Heights Public School in Orillia to discuss waste management and the benefits of recycling. Members would have been amazed by the knowledge these youngsters have about recycling and would have been touched by the concern about the garbage crisis and what the future holds for them.

Reduction is the decreased generation of waste in the home or on the farm. Reduction is accomplished by not purchasing items which are overpackaged, disposable or lack durability.

We get into reusing, reusing an item which in its original form is for the same or a different purpose. Refillable beer and soft drink bottles are good examples of this. Today questions were asked of the Ministry of Consumer and Commercial Relations with regard to the liquor bottles from the liquor store. Why are they not recycling them? Why are they not having a rebate for them to bring back to be reused?

Then we have recycling, the whole aspect of collecting materials and recycling them. The Couchiching Heights pupils brought to our

attention that they believe that people who are actually engaged in recycling waste materials automatically learn how to reduce and reuse the amount of waste they generate. They become more aware of their own garbage-producing habits and often go out of their way to alter them.

So the young people in the province today are far more aware than a lot of us believe. My colleagues in the Legislature here have brought it to our attention in caucus on many occasions. The member for Wellington (Mr J. M. Johnson), the member for Hastings-Peterborough (Mr Pollock) and I have had many discussions in our caucus with regard to recycling and reusing and with regard to what is happening about our landfill sites in Ontario.

It is going to be interesting to know what the minister is going to do with regard to Cleantario. Is he bringing in legislation to have a lottery to help pay for what is taking place in the environmentally sensitive parts of this province? How is he going to handle it? What is he going to do about it? It was announced some time ago, but I anticipate that probably about January there will be another announcement about another lottery for Cleantario.

The garbage problem in Ontario is at a crisis, and I commend the member for bringing this bill forward. We have had a crisis in the county of Simcoe where it is being hauled to the Keele Valley site. The minister talks about \$32 million this government is spending with regard to parts of the Ministry of the Environment. Does he ever consider the costs that these municipalities have gone to to ship their garbage from their municipalities to Keele Valley? It has gone from \$10 a tonne to \$100 a tonne. What has he done to help the municipalities?

The minister has to show some leadership. When he turns down a site, there should be an alternative. The government should have a plan in place: "Here is how you create a landfill site if you want it." He should be helping industry to prepare for these large facilities that we need for recycling plants, to start reusing our paper, our bottles, our glass, our plastic. There are so many things that we have to do with regard to recycling. He also has to take some leadership with regard to what our packaging is causing, the great problem of landfill.

I am glad the member brought the resolution forward and I will be supporting her resolution. Regarding the garbage crisis in Ontario, it would have been a help if the minister had supported my colleague's Bill 89 on mandatory recycling. Only one municipality in Ontario that I know of

has mandatory recycling, and that is the town of Midland. It has worked well there, and I believe the day will come when the area municipalities will be showing some leadership also to have mandatory recycling. I believe industry is going to have to take the bull by the horns, so to speak, and show some leadership with regard to having facilities to reuse.

1700

Mr Adams: I am pleased to take part in this debate on the motion of the member for Etobicoke-Lakeshore. My riding in Peterborough has a long history of environmental interest. My constituents are very interested in all aspects of the environment. I myself was involved more than 20 years ago in recycling projects on a volunteer basis in Peterborough. I remember at that time that we had a two-car garage for the newspapers we collected for recycling. I have to say, even in a community like mine, there was not much progress from that two-car garage until just a few short years ago.

Now the city of Peterborough, and it is extending to the county, has a blue box program, and most of our citizens participate in that program every week, putting cans, bottles and newspapers to the curbside for the blue box program. The county of Peterborough is moving vigorously on composting and we are already in the position of having to more than double the capacity of our recycling facility. What a change in these last few years, since the introduction of a program such as the blue box program.

One of the things that I really like about the blue box program is that by using a blue box each of us is committed every week to a public demonstration of his or her commitment to recycling. Every time we use the blue box we not only help the environment and divert materials from the garbage stream, but we advertise and reaffirm our commitment to reducing waste. The government is determined to make such recycling a permanent, province-wide activity which touches the day-to-day lives of all our citizens.

Members know, and it has been mentioned today by a number of speakers, that we have co-operated with the private sector, the OMMRI group, in recycling cans. This has been a very important initiative. The industry has committed \$20 million over a certain period of time to assisting municipalities with the capital costs of establishing recycling projects involving cans.

You should know, Mr Speaker, and I suspect you do, that the province's commitment in this area has risen from \$750,000 to this year alone \$11 million, an enormous increase in commit-

ment to the recycling of cans. Right now, province-wide recycling projects divert about seven per cent of municipal garbage destined for landfill sites. I know that seven per cent, as has been mentioned, leaves 93 per cent which has yet to be diverted, but what an extraordinary change. Remember, our objectives are 25 per cent diversion by 1992 and 50 per cent by the year 2000.

Another aspect of recycling which the province has moved on very substantially in this last year or two is the household hazardous waste collection program. This program provides municipalities with up to 50 per cent of the funding of household hazardous waste days. Like the blue box program, this allows each individual to participate and gives him or her an opportunity to safely manage his or her own waste, to avoid dumping these hazardous wastes in our sewers and contaminating our streams.

This year the ministry is funding approximately 30 hazardous waste days and 15 permanent depots. This year too, the ministry will change the funding formula to give increased funding to those municipalities that recycle the hazardous wastes that were collected, and some of these wastes, such as waste oil and paint, can easily be recycled.

Metro Toronto has started its toxic taxi program which our ministry funds. By calling a telephone number people can have a specially trained staff and truck take their old paint, pesticides and other wastes for safe disposal.

Just a few weeks ago I participated with the Kinsmen Club of Peterborough in a hazardous waste disposal day in Peterborough. This again was a demonstration to the people of the community of the dangers of wastes in their households and of the fact that it is possible to safely dispose of such wastes and to recycle many of them.

Our Environmental Youth Corps also contributes to environmental protection and conservation of various sorts, including recycling and reduction of wastes.

Another very important program announced only this last couple of months is the student recycling program. Here again I think we have a case of environmental education through actual recycling experience. This will include recycling and other waste management initiatives in all the schools in the province. The program will assist recycling initiatives at 179 school boards representing over 5,000 schools. There will be a five-year phase-in, but all the schools in the province will be able to participate.

The Ministry of the Environment will provide school boards and others with two thirds of the cost of establishing a recycling program in the schools. The ministry will also provide up to 50 per cent of the salary of a recycling co-ordinator hired to assist a school board in initiating such a program. Furthermore, where a municipality, faced with having to collect these recyclable materials from its schools finds that it needs another collection vehicle, the ministry will fund totally the cost of that vehicle. I repeat that this is an example of individuals, in this case students, becoming involved and being educated by actually doing something about the environment.

This motion before us interests me greatly and I have a great deal of sympathy for it, but members will have noticed, as have I, that it greatly stresses reduction among the three Rs. It was only a few years ago that we thought of the three Rs in the schools as reading, writing and 'rithmetic. We used to think of the the three Rs in this House as reading, writing and rhetoric. But now when we say the three Rs, I think most people immediately think of something to do with reduction, reuse and recycling. They may not be able to recite the terms, but that is what people think of.

That shows how successful the government has been in taking this idea, this concept of these three Rs and promoting it through the province, giving the people the means to do something about it and helping our environment through reduction, reuse and recycling. Therefore, I regret that the motion stresses reduction over all others.

I know there is a certain logic to the order. The logic is that first, we should not use things unnecessarily. That is what the reduction part really means. The second part, the reuse, is that if we have to use something, ideally we reuse it. When we finish reusing it, ideally we recycle it. Then and only then, if we cannot recycle it, do we do something else with it. We dispose of it in some other way, usually a way that is not environmentally friendly.

That sequence is important. It is very logical and people should think about it. I think the member's resolution causes people to think about it, but draws out only the reduction part.

I would like to share with members, if I might, some extracts from a letter I received from a constituent about another form of reduction, an important form and in its own way a very useful form, but not the one that is envisaged in the three Rs.

1710

He is referring to controlling wastes. "Personal Compaction," he calls it.

"Most reports refer to quantity of waste in terms of mass—so many tonnes have been moved from hither to yon or have been converted to something. In reality the problem"—and I suggest to members one problem—"is the volume which waste takes up in landfill sites and the process of compacting before and when it gets to the sites.

"A great deal of the volume filling landfill sites is air trapped in containers. Many commercial garbage trucks have compactors. Thus garbage bags filled largely with air are often but not always compacted before reaching the landfill sites.

"The next logical step is to compact in the home, store and factory before the waste is put out for collection. Things like cereal, sugar cube and Jell-O boxes can be flattened and torn into small pieces in seconds. Every plastic container like Fleecy"—and other bottles—"can be cut into small pieces with scissors or sharp knife. Every magazine can be ripped into small pieces and every item put into wastepaper baskets can be torn into small pieces. Folded and crumpled paper entraps air.

"This personal compacting reduces the number of personal garbage bags required, a saving of raw materials and cost. It reduces the wear and tear on truck compactors as well as the 'pause time' while compacting is going on—a waste of fuel and costly pickup time."

"Try it!

"An incentive to do this is a gift by the municipality of one bag (biodegradable) per week per household and a charge for additional bags, purchased by the householder, which are put out. The normal waste for a family of four can be compacted and some of it composted in a weekly period so that the volume can be put out is less than one garbage bag."

I read that letter not because I say that is the only form of reduction we should participate in, but because I think there is a danger in taking one of the three Rs and giving it pre-eminence over all others. I would suggest, as one speaker did, that one of the three Rs should actually be first. I think all are useful; the concept is there.

This, for example, is a form of reduction that would best be fourth. There would be reduction in the way of avoiding waste; there would be reuse; there would be recycling; then there would be reduction of this type, and then we would have disposal of some other sort.

As I mentioned, I have great sympathy with this motion. I do believe the government has moved in many areas. I do believe the volunteer approach has been already embarrassingly successful. So I regret that the member, in phrasing this motion with, I believe, the very best of intentions, has greatly emphasized one of the three Rs at the risk of downplaying the other two.

Mr Charlton: I guess the timing of my entry into this debate is useful in following the member for Peterborough since he raised the fact and pointed repeatedly to the fact that we have chosen, and my colleague the member for Etobicoke-Lakeshore has chosen, in this motion to signal out reduction because although he may be correct that in some respects and in some areas there is some danger in doing that, in an overall general sense it has to be done.

I would like to set out a very specific and primary example of why that is the case. Since we started the blue box program in Ontario, I have been essentially sorting my waste into three streams: (1) those items that are recyclable through the blue box program; (2) those parts of my waste that are compostable; (3) everything else. Everything else in that third category is all—100 per cent or 97.25 per cent or whatever the exact calculation works out to—packaging. It is all packaging and in most cases it is largely unnecessary packaging, at least in its total volume. There are things we buy that have to be packaged. The question is whether they have to be packaged in the way they are.

As an example, in that third-way stream that is made up almost exclusively of packaging, it makes up, of the total of the three streams, 60 per cent. We are talking about trying to reduce by 50 per cent over the course of the next decade the amount of waste we have to dispose of through our various systems and formats of disposal. That packaging sector, that largely unnecessary sector of the waste we have to deal with, is where we can accomplish the vast majority of the waste reduction in terms of what we are putting into our waste streams in the first place. That is why reduction has to be centred out and has to be the primary focus of the next decade.

When we have achieved the maximization of reduction in terms of the things we use that are unnecessary, for all intents and purposes except for how we approach new things in the future reduction can be eliminated from the list because we are going to have to deal with everything else, presumably because it is necessary, in some other way. To achieve the 50 per cent goal that this motion sets out, which has been espoused by

our governments, the reduction of that unnecessary waste stream, the packaging stream, is where we have to win the battle. That is one of the major reasons we have focused directly on reduction here in this debate today.

To take that a couple of steps further very briefly in terms of the other specifics my colleague has set out in this motion, one of the things that she has suggested in item (iv) is “legislate mandatory source separation for all waste generators and for all types of waste....” For example, I have heard a number of times during the debate here today reference, as I have made reference to, to those parts of our waste stream that are compostable.

Some people will always want to keep their compostables and compost them themselves and use them in their own ways in their yards and so on, but there will always be a majority in this society that does not do it. If we were to make mandatory the source separation of all wastes so that we can identify a type of waste, then we can better decide what to do with that waste.

In the case of compostables, for example, there is absolutely no reason why those compostables cannot be composted on a societal scale. They have benefits and there is a lost resource when we dispose of those compostables along with a lot of plastic and cardboard packaging—the unnecessary stuff I was talking about before. That compostable material is a very valuable resource that we are allowing to a large extent to disappear.

While this debate is an important one, it is one that unfortunately cannot be totally dealt with in one afternoon. I have tried to quickly deal with a couple of the specifics in my colleague’s resolution. I understand my colleague would like some time left. Let me wrap up by saying that the goals we are talking about are attainable. Fifty per cent reduction over the next decade is attainable, but I want to assure you, Mr Speaker, the member for Peterborough and all the members of the government party that although the voluntary approach has its benefits and although it is great when we can get a voluntary response, to achieve the 50 per cent reduction in waste by the year 2000 we are going to have to be prepared to take tough and mandatory actions in this province. There are no two ways about that.

If we look at the other items—which I have not been able to discuss, but I will just quickly mention: legislating mandatory waste reductions; establishing a waste reduction office in this province with mandatory, statutory goals; the phasing out of certain products by legislation—

those are all mandatory measures which, if we do not proceed to take them, all of the volunteerism that we like to talk about and that we love to feel good about will not get us to the 50 per cent reduction level by the year 2000.

1720

Mr Cousens: Who would have believed 25 years ago and even less that we would be talking about a resolution such as this, about garbage? It was not that long ago that people thought they could put anything into the rivers and the streams and it would not have any impact.

We have seen what has happened with man's carelessness to nature and to the whole environment around him. We have seen a society grow and build, thinking it is strong and all-powerful, and yet when we start looking at the damage we are doing to the world around us we begin to realize that every one of us in Ontario, every one of us in this Legislature should become an environmentalist, where we are committed to doing all we can within our power as legislators, as homemakers, as business people, as whatever we are, to be genuinely committed to the long-term preservation and protection of the environment of our world.

It is to that end that I am pleased to be able to participate in this debate, but also very sorry at the whole way in which this debate is having to be directed and at the failure of the government to do what it should be doing and our own failure as a society to really come up with the answers to this.

I commend the member for Etobicoke-Lakeshore for making an effort to it. I do not think she has a perfect resolution, but no one else has and so to that extent I commend her for her genuine and sincere effort to try to do something about it. I would also like to compliment our own member, the member for Mississauga South, who has done a great deal to teach our caucus on the needs of our environment.

It takes a leader within every organization. The government does not have a leader. It has all the pomp and the ceremony, but it does not have anyone who can stand up and teach the people who are a part of that group just what they should be doing and how they should think about it with a balanced consideration. If an environmental award could be given to a person who has wakened an awful lot of people, not only our caucus but people all across Ontario, a person who is looked up to as one who has set a standard of excellence in the environment, it is the member for Mississauga South. I think every member of this House should remember her

when it comes time for the presentation of an environmental award.

We have a crisis in Metropolitan Toronto that is symbolic of the way the Liberal government has performed to date. We are dealing with a government that is better at reacting than at being proactive and it is not until there is a crisis that we begin to see it start to hustle and run around.

It is funny how this was developed, because the Premier saw that the Minister of the Environment was not doing that much with it, so the Premier even excluded the Minister of the Environment from one of the key meetings with the regional council chairmen to help set up a program to bring the greater Toronto area leaders together to try to solve it, because the Ministry of the Environment was tripping over itself and trying to come up with its own solutions and somehow lost sight of the overall goal of trying to respond to the garbage crisis in the greater Toronto area.

It is not just a greater Toronto area problem, it is all across this province and this country and the world. None the less, this government chose not to act proactively before the problem became so great. It is now in a great, big hurry to come up with solutions and in so doing—I will come to this in a moment—has failed to take into consideration all the environmental assessment needs that it should be.

It has done this with transportation. It has made all kinds of announcements on transportation—not on transportation; no, I take that back. They have made all kinds of announcements of things in the greater Toronto area such as the SkyDome, the BCE centre, the CBC centre, and yet we never get transportation announcements.

Hon Mr Sorbara: Once it's in Hansard, you can't take it back.

Mr Cousens: I just got it the other way around. We are allowed to make those little mistakes; not the big mistakes those guys are making all the time.

Mr Fulton: Nice recovery.

Mr Cousens: I had to recover on that one. To the former Minister of Transportation, the member for Scarborough East (Mr Fulton), I appreciate that.

Okay, the crisis continues. We have a crisis. Unfortunately, words are awful cheap, and that is about all we are getting from the government, because it is not prepared to put the investment into the solution for the long term, to make this a world-class centre. We keep talking the big words, but in order to have a world-class

environment, a world-class province, we had better put the dollars out there on simple things like garbage dumps, simple things like roads, simple things like homes, and stop worrying about trying to get Expo 2000 or the Olympics and other things. I want them, but the whole theme of bread or circuses has to do with priorities, and this government does not have those priorities.

Interjections.

Mr Cousens: I can tell I am touching a nerve, because these other honourable members are waking up. They have been asleep for a while. I would say they have been asleep for years.

We have another problem and that has to do with the not-in-my-backyard dilemma. There is not a person around here who does not want to have something in their own backyard, and they are all interested in saying, "As long as it is not here." That is something I would like to see addressed.

Interjections.

Mr Cousens: Mr Speaker, could you give them a banana or something so that they stop shouting so much? Next time I come to the House, I will come with a great big pile of bananas and you guys can do what you are good at.

Hon Mr Sorbara: That will be better than the great, big pile you have brought today.

Mr Cousens: This is serious, and here you are interrupting. You are all so eloquent when you are sitting down, but you never stand up and have anything to say when you have a chance to say it.

The NIMBY dilemma is one of those problems where everybody says, "Not in my backyard." Why can we not somehow, as a society, have that sense of responsibility for all of our neighbours and all of our communities? I am not saying that Whitevale is the site or should not be the site or that Keele Valley should or should not be the site, but it sure has been used for the last many years.

What I am saying is that everyone in our society has to accept an element of responsibility for the creation of garbage, and therefore part of the solution. It is no good just to keep on saying, "Not here; not there." What we have to do is take the process through its full length. At that point, I am strongly a believer in having an environmental assessment on any decisions that have to do with even interim dump sites.

I am talking around the motion that is before the House today, but I am touching upon what is a true issue. Any solution that we have has long-term ramifications. We talk short-term

decisions from this government, but they are going to have long-term ramifications on what happens with the land in the neighbouring areas surrounding where those dump sites are going to go. The government cannot just come along and put in a dump site now and just have a localized type of review on whether or not it is advantageous, good, bad or whatever. It has to have a more full, clear understanding of all the ramifications of what we are doing with our garbage, and proposing different locations for dump sites.

I therefore say that this government is violating—violating—its own legislation; also, its own promises those people made when they were running for election. I have never seen a more sanctimonious group of people when they are going out to get elected, when it comes to putting their hands on their hearts and saying, "We are going to do all the right things for all the people in the world." It turns out they do all the right things for the right people and not for the small person and not for the people at large.

As it stands, I am a strong believer in having the process that we have defined, the process that we have put together in this province followed, and that would mean a full environmental assessment would be involved in this.

I would like to see us look at more options as well. I know the environmentalists out there will not be happy when I mention this as a point, but we are shipping some of our garbage across the border into the United States to be incinerated. How can we do that with any sense of justice if in fact we are saying, "We do not believe in any kind of incineration," yet we can go and ship the garbage over there and then we will get it back through the pollution in the air?

1730

We need a Minister of the Environment who is going to strike a series of standards, and from those standards we might then be able to develop some guidelines for incineration. They might be ways in which we can burn garbage and do other things with it that are in fact going to help us get rid of it. I do not think it is the whole solution. I think it is just something that should not be put off the table entirely.

One of the things that I have done over the last year and a half or two was to establish my own environment advisory council in my riding. I have approximately 12 people who meet with me every six weeks and we consider various concerns that pertain to environmental matters. I needed their help to assist me in heightening my own understanding of environmental considerations. It is through reading and discussion of

matters that I have been able to grow significantly in my own knowledge of environmental concerns. It was through that that I was invited to participate in the summit on the environment and was extremely pleased with the initiatives that were taken there at the Ontario Science Centre early this fall.

One of the things that I presented at that forum, which I would like to just tie in to the motion the member for Etobicoke-Lakeshore has presented, is that a household in our community has to have its own environmental policy. Why is it every home does not have its own recycling policy? Why does every home that possibly can not have its own compost heap so that we have that commitment to the environment? Why does each household, the family and the children of any age group, not have a way in which they are buying those things that are not going to have any kind of long-term or negative impact to the environment? Why does more industry, my second point, not have its own policy on environmental matters?

People berate the large oil companies, and say, "Aren't they terrible?" They may not be perfect, but they have got a statement that their employees know is clear and understood on environmental matters. Every company and every business should have its own environmental statement so that people are buying in to the subject. I do not think there should just be a Ministry of the Environment in the province. Every ministry should have its own environmental thrust so that they are all buying in to the importance of environmental matters.

I wish there was more time to touch on this motion that is before us today. I feel there are some flaws in the motion that has been presented by the New Democratic Party. None the less, I am going to vote for it because I think the intention behind it is basically honourable.

However, one of the mistakes that the New Democrats always make is that they would like to have the government solve all of the problems surrounding an issue. In other words, they heap it on to the government rather than having a balanced approach where we have government and industry and individuals all working together to try to solve it.

The New Democrats are famous for trying to get the government to have sole responsibility for it, and that is much the way in which this motion is presented. What I would like to do is see that there is greater responsibility, not just upon the government but on individuals, on households, on business and on each ministry of the

government; that it become something where, as I said in my introductory remarks, we are all environmentalists.

I also believe we need a greater co-operative effort by all citizens, and I do not think that is built into the motion that has been presented to us today.

I think the government should maintain and improve its commitment, including increased vigilance of environmental assessment, adequate funding to municipalities for waste disposal systems and also improving educational programs to the public so that the people become aware of the total context of what is going on.

We are dealing with a subject that is large and it is important. Yet what is happening is that decisions are made in the Ministry of Environment and they do not even get over to other ministries so that they are aware of it. The members saw that today in the terrible answer from the Minister of Transportation (Mr Wrye) when I was asking him what plans he had to do anything about the transportation systems around the Whitevale dump site that is being proposed, and he had no plans at all. So they are going to bring in that whole new dump site, and at the same time they do not have the Ministry of Transportation doing anything to help with it.

The government has got to bring things together. We have got to work together and to plan for the future and the long-term future, not just for 10 or 15 years, because what we do now has implications into 1,000 or 2,000 years from now. We have to take this seriously.

I believe that through motions like this, each one of us can become more and more aware and committed about the urgency of responding to the needs that are expressed in this motion, and we as a government, we in opposition and all levels will participate to make this a better world.

Mr Elliot: As the past chairman of the caucus waste management committee, I have had an opportunity to learn my three Rs. The committee has heard from a large number of parties on different methods of waste management. The committee welcomed the announcement of the provincial goals of 25 per cent diversion from landfill and incineration by 1992 and 50 per cent by the year 2000.

Reduction, reuse and recycling help Ontario conserve its resources, its energy and landfill space. I urge all members to make the three Rs part of their everyday lives.

In the next few years, we must learn how to divert mountains of garbage from landfill and incineration by recycling used resources back

into the production stream. I think in the few moments that I have left, the best way that I can use those few moments is to perhaps give the member for Markham a bit of a lesson on what we have learned by intensive discussion and study over the last two years.

What we need in Ontario is an integrated waste management system. That system has to be based on a detailed analysis of our waste stream as it presently flows.

Mr Cousens: You guys keep studying everything.

Mr Elliot: We are not studying this. This is a proposal by me, and if the member for Markham would be good enough to listen, he might learn something in the next couple of minutes.

A minimum of our waste stream, 20 per cent, is yard waste. All of that yard waste can be either composted or recycled through wood recycling systems such as the one opened on 21 November in Peel county. Surprisingly enough, 20 per cent of our waste stream in the Halton region is now being picked up curbside. These processes were started more than 10 years ago in Halton Hills. They started the blue box program, though, just last January because they did have a good system in place for more than a decade.

Another 20 per cent of the waste stream, we find, now can be recycled by separating things close to source. We are talking about concrete and a whole lot of other products like that. That accounts for 60 per cent of the waste stream.

The other 40 per cent, we are told, could be burned, or it could be landfill. If we burn it, because of the organic content, approximately 60 per cent of the 40 per cent will be burned away. That means 24 per cent of it, so we are left with 16 per cent that has to go to landfill.

The reason I mention this is, it does not matter what integrated system we come up with, we are going to require some landfill at some point in time. I prefer to call these locations stockpiling locations, because if we truly look at our waste stream, they should be benign stockpiling facilities that do not harm our environment.

What I would like to emphasize is a point that my friend from Markham made. I think every member in this chamber and every member watching today has to ask the question, what have I done in the last period of time with respect to my own residence and my own workplace?

What I have done in my own home is, I have reduced our waste flow by 80 per cent in less than 12 months. What I am going to do on Saturday when a reporter from one of our local papers comes to see me to see how we did it, because she

set aside the afternoon for it, is after we have taken a look at our facility, I am going to drive over to Markham and visit our friend from Markham and see what he is doing on his home turf.

The concluding point I would like to make is, we can pontificate all we want in this chamber, but unless we get at it house by house, industry by industry, each commercial spot by each commercial spot, we are not going to meet the aims that we have set out. It is not satisfactory for the Leader of the Opposition (Mr B. Rae), as recently as yesterday, to say we cannot meet the mark of 25 per cent by 1992.

1740

I would like to conclude, to leave some time for the final speaker here, by borrowing one of his good pedagogical tools. When he is really emphatic about things, he repeats things three times, and I am going to say: "Yes, we can; yes, we can; yes, we can."

Mr Pollock: There are a few things I want to put on the record. Let me first say I am certainly in support of the resolution brought forth by the member for Etobicoke-Lakeshore. I certainly support the concept of the three Rs: reduce, recycle and reuse. I think it is very important to follow them, and I would like to see the time frame that is mentioned in there even increased, meaning, of course, stepped up; the 25 per cent in 1992 and the 50 per cent by the year 2000 increased. But knowing how government works, I doubt that we even meet those particular time frames.

I want to just talk briefly on landfill sites. I think it is rather unfair that the large cities can take their garbage out and dump it on small municipalities. They are going to eventually cause trouble, if not for this particular generation, certainly for the next. There is no proof that over the next 50 or 100 years landfill sites will not cause as many problems to the environment as possibly incinerating garbage.

I would like to inform the House just what takes place in some of these situations where a group of municipalities gets together to form an area to get a landfill site. I would like to use the number of, say, 20, municipalities going together to find a landfill site.

They hire a consulting and engineering firm. That firm goes out and it will possibly go to one municipality and it will pick four or five sites in that municipality. All of the other 19 municipalities think that is great. The reason why they think it is great is that it is not going to be in their municipality. They just think it is great that it is

going to be in that one particular municipality. Then those people in that municipality have to lobby to get their name off the list.

I know that is a major concern for people to have a landfill site next to them, and I might mention that in one particular case they picked this site and it was 400 acres. The people there regarded it as good farm land. They went to the meeting and they said, "This is good farm land." The consulting engineer said, "No, it is class 5." So they looked up and saw what class 5 was, and class 5 is claimed that it is pasture land only. On two of these farms on that 400 acres there are storage facilities for 500 tonnes of corn silage. There are also storage facilities on those places for possibly 15,000 bales of hay and approximately 3,000 bushels of grain.

So there is no question that it is good farm land, but when you go back to the engineers and say, "You know, this is good farm land," they say, "No, that is not what the map says," and they have to go by the map. That is totally ridiculous.

Also, I just want to touch base on the fact that there is a proposal out there, a request to dump Metropolitan Toronto's garbage in the old Marmora iron ore site. I attended a meeting there one Saturday morning, and the place was packed. It was hosted by a group called TNT, which is Take No Trash.

Some of the miners who worked on that mine told some of the stories about that particular site. They said that when they were drilling in that mine, they sank a shaft down there. It was an eight-inch drill hole, and when they pulled out the drill, the water came in full size of that eight-inch hole. That rock is porous. There is all kinds of water flowing into that particular pit. They claim that there are well over a billion gallons of water in that particular pit now, and yet they are thinking of actually dumping garbage in it. There is no question that if they ever did dump garbage into that, it would eventually fill up and that water might well run the other way, maybe even back into Lake Ontario. So as far as I am concerned, there is no way that they should be dumping garbage in that old abandoned iron ore mine.

Some of the criteria that they also use as far as landfill sites, they tell me that you are not supposed—I guess my time has run out, Mr Speaker.

The Acting Speaker: I guess your time has run out. The honourable member for Scarborough-Ellesmere.

Mr Faubert: I am happy to join in this debate on opposition day on waste management. I

would like to thank the member for Etobicoke-Lakeshore for moving the resolution today concerning the government's recycling program, not because we support it in total and not because we support the detail of this, but because it gives many of us, as government members, the opportunity to stand in this House and to put forward and to bring to the attention of both the members opposite and the people of Ontario what this government is doing in the area of recycling.

I believe, though, the resolution can be supported in general principle. I will touch on that in my conclusion. I think this government has set a positive example to jurisdictions, not only across this country but also, as the Minister of the Environment said in the House yesterday, their people recognize what this province is doing from across the world. They are recognizing the good job that Ontario is doing in terms of recycling.

But when you read this resolution, you would think that the government's efforts to promote recycling have indeed not been successful, and unfortunately, the resolution is passing judgement on municipalities and on the blue box program before the program can really be geared up. As a matter of fact, most municipalities that went into this were actually put in a position of being embarrassed or had problems caused to them because of the public acceptance of the program. Indeed, they are inundated by the public's co-operation in this program and by the amount of material that is generated. I think it proves conclusively that the public is supportive of recycling and of this program.

It was touched on by my seatmate colleague, the member for Halton North (Mr Elliot), when he pointed out the extent across Ontario. I know people say that in Metro there are problems, and indeed there are. There are certain problems in Metro because of such things as contamination of the blue box in the area of glass—the minister brought this to the attention of the city of Toronto—and the problems that are caused in this, but across Ontario the statistics show that while there is an 82 per cent rejection in Toronto in some areas, in some parts, actually across Ontario there is an eight per cent rejection rate. I think that speaks well of the program in other areas.

I think we should be aware of the fact that Metro Toronto has been implementing landfill bans on corrugated cardboard, gypsum wastes and old tires. That is a major step to some of the volume within the waste stream.

Just in closing, I would like to point out that we do not believe in the legislative club in this instance. We think it is proven that the public will support this. I think we are talking about a change in societal values in which they talk about a move from a consumer society into a conserver society. I do not believe you legislate societal values, contrary to the principle that is put forward in this resolution.

I would like to point out one other thing. This resolution calls for the Ontario government to bring forward changes in legislation prior to any anticipated report from the task force, which is expected to report in March 1990. I think anyone who has ever had anything to do with the packaging industry knows that we must have national packaging regulations because most packaging goods are manufactured within a central location and distributed across this country. So I would say—

1750

The Speaker: The member's time has now expired. Sorry to interrupt.

Mrs Grier: I would like to thank all of the members who have participated in the debate. As the member for Scarborough-Ellesmere has said, I think it has been a useful airing of the diversity of opinions and approaches within this Legislature. I hope that the representatives of the citizens' groups who have listened to it all have understood something of the various positions from which people come to this issue. I just want to mention that representatives from the Vaughn Committee of Associations to Restore Environmental Safety were here too as part of the debate.

I want to particularly thank the Minister of the Environment for participating in the debate and for coming back to listen to some of the discussion. I was uncertain of his position on my motion by the end of his 20-minute speech, but I am sure that when the vote is called we will then know where he stands on the motion.

He did once again, of course, make reference to the United Nations award for the blue box program, a thing which he is very fond of mentioning. I did want to point out to him that the United Nations was considering designating the Niagara Escarpment as an item of world interest as well as the Rouge Valley, which has been looked at by international bodies. It is somewhat ironic that having given us an award on one hand, we would now be perhaps considering placing garbage in areas that international bodies are thinking we ought to preserve.

However, a couple of comments on the submissions that have been made: I particularly

want to support the members of the third party for their support of the motion and to comment briefly on the reservations that the member for Mississauga South had about the waste reduction office which is included in my resolution.

I simply want to explain that the purpose for setting up such an office, giving it a statutory mandate and making it a separate entity is because of the need to co-ordinate waste reduction efforts in all the other ministries. Somebody has to have some authority to be able to say to the Minister of Municipal Affairs, who is also the Minister of Housing (Mr Sweeney), to the Minister of Education (Mr Conway), to the Minister of Health (Mrs Caplan), to the Minister of Community and Social Services (Mr Beer), even to the Treasurer, "Here's how you have to go about waste reduction."

My understanding is that unless there is a mandate given to that body, we are going to be into, dare I say it, the turf wars, the controversies and the "After you, Alphonse," that happen when one has to deal with more than one ministry of this and, let me hasten to add, any other government.

The member for Peterborough (Mr Adams) regretted my emphasis on waste reduction as opposed to the other Rs. I think that has been answered by the member for Hamilton Mountain (Mr Charlton), but let me also give the additional reason. Reduction and reuse are more difficult. Recycling has proven fairly easy. I submit that a lot of emphasis on recycling is because it is the first thing, it has been popular and it can be done through the blue boxes. If we are really to reach those targets, we have to move to the more difficult issues, and I do not think those can be done on a voluntary basis.

Let me comment briefly on the whole issue of a target. The emphasis on 25 per cent by a certain year has a built-in problem in that as the economy expands, as the population expands, the amount of garbage expands. If growth is such as is sometimes predicted, what is 25 per cent of today's garbage may be more in volume than 25 per cent of 1992's or 25 per cent of the year 2000's. That is why we need a waste reduction office with a mandate and the authority to set some specific plans and some very specific targets.

As the member for Hamilton Mountain said, the goals set out in my motion are attainable. Those goals must be attainable and they must be attained. I think all of us who today have supported the concepts embodied in my motion have a responsibility to make sure that they are

attained for ourselves, for the people of this province, for our children and, in my case, for my grandchildren.

1801

The House divided on Mrs Grier's motion, which was agreed to on the following vote:

Ayes

Adams, Allen, Beer, Brown, Bryden, Campbell, Carrothers, Charlton, Cleary, Collins, Cooke, D. S., Cordiano, Cousens, Curling, Daigeler, Dietsch, Elliot, Elston, Eves, Faubert, Ferraro, Fleet, Fulton, Grier, Hart, Henderson, Johnson, J. M., Kwinter, Laughren, LeBourdais, Leone, Lipsett, Mackenzie, Marland, Matrundola, McClelland, McGuigan, Miller, Morin, Nixon, J. B., O'Neill, Y., Oddie Munro, Philip, E., Phillips, G., Poole, Reville, Reycraft, Ruprecht, Smith, D. W., Smith, E. J., Sola, Sterling, Tatham, Villeneuve, Ward, Wong.

Ayes 56; nays 0.

Hon Mr Ward: Before reading the following week's business, I would seek unanimous consent to revert to reports so that we receive the report of the standing committee on finance and economic affairs.

The Speaker: Is there agreement? Agreed.

REPORT BY COMMITTEE

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr Ferraro from the standing committee on finance and economic affairs presented the following report and moved its adoption:

Your committee begs to report the following bills as amended:

Bill 46, An Act to establish a Commercial Concentration Tax;

Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the pay-

ment of Premiums under the Health Insurance Act.

Motion agreed to.

Bills ordered for committee of the whole House.

BUSINESS OF THE HOUSE

Hon Mr Ward: Pursuant to standing order 53, next week's business is as follows:

On Monday 11 December, debate on a motion to extend the hours of sitting of the House. At the conclusion of this debate, we will proceed to second reading debate on Bill 69 and Bill 70, followed by second reading debate on Bill 84, followed by committee of the whole House on Bill 119, second reading debate on Bill 91 and Bill 94. Just for the information of the members, the votes are deferred until Tuesday.

On Tuesday, we will continue with any previously unfinished business and then proceed to second reading debate on Bill 60, followed by second reading debate on Bill 86 and second reading debate on Bill 92.

On Wednesday 13 December in the afternoon, third reading of Bill 119, third reading of Bill 47, second reading debate of Bill 79, committee of the whole on Bill 49 and Bill 52, second reading debate on Bill 95.

In the evening, beginning at eight o'clock, we will continue any previously unfinished business.

On Thursday 14 December, we will have private members' business during the morning, beginning at 10.

In the afternoon, we will continue any previously unfinished business, followed by second reading debate of Bill 90, second reading debate of Bill 53, second reading debate of Bill 34, second reading debate of Bill 101, second reading debate of Bill 102, second reading debate of Bill 99, second reading debate of Bill 163. If we are finished early, we will go home.

The House adjourned at 1808.

INTERIM ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

323 to 325. Mr Pollock—Hon Mrs McLeod: Final responses will be available 24 April 1990.

RESPONSES TO PETITIONS

SECURITY IN PREMISES USED BY PUBLIC

Sessional paper P-18, re Trespass to Property Act.

Hon Mr Scott: The existing legislation permits the arbitrary eviction and exclusion of individuals from property to which the public is generally invited. It does not provide equal and fair protection for individuals, despite the applicability of the Human Rights Code.

Bill 149 would provide protection very similar to the existing law to business people while eliminating the unfairness of that law. Bill 149 would only require that people required to leave publicly used property be given the reason for being excluded. Actions that are incompatible with the public's use of the premises and actions that breach the occupier's reasonable rules are both a good basis for exclusion. Anyone who behaves improperly can be charged immediately. People could be banned for 30 days each time they misbehave. The ban would be effective even though the banned person objects.

Good managers of publicly used government and private property already realize that the

arbitrary exercise of power against individuals is no longer acceptable. Bill 149 will require all managers to be fair. It will still ensure that property owners and retailers can provide a pleasant, safe shopping environment.

DIRECT GRANT PROGRAM

Sessional paper P-36, re private water systems.

Hon Mr Bradley: Direct grants are available to assist in the upgrading or repair of private water or sewage disposal facilities. Funds for private systems are provided as a reasonable alternative to the construction of communal works where ground water and soil conditions are acceptable.

The area must have little or no growth potential and a minimum of 25 principal residences, institutions and/or commercial establishments in the defined population area. Seasonal residences are not usually eligible unless they are a minor portion of the problem area.

The grant funding formula forms the basis for determining the level of provincial grant assistance. It is applied universally and uniformly across the province and will not be modified in the immediate future.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Orillia L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaître, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrundola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Thursday 7 December 1989

Private members' public business		Responses	
Custody and access, resolution 34	4569	Interprovincial energy agreement . . .	4593
Mr Henderson	4569	Mr Charlton	
Mr Jackson	4571	Fines	4593
Mr Cousens	4572	Mr B. Rae	
Ms Hošek	4573	International Human Rights Day . . .	4594
Mr Hampton	4574	Mr B. Rae	
Ms Oddie Munro	4576	Mrs Marland	
Mr Fleet	4577	Interprovincial energy agreement . . .	4594
Negatived	4587	Mr Runciman	
Native health services, resolution 33 . .	4578	Fines	4595
Mr Pouliot	4579	Mr Sterling	
Mr Eves	4580	Oral questions	
Mr Miclash	4582	Retail store hours	4595
Mr B. Rae	4583	Mr B. Rae	
Mr Pollock	4584	Mr Scott	
Mr Brown	4585	Native services	4596
Agreed to	4587	Mr B. Rae	
Members' statements		Mr Scott	
Bounty on wolves	4588	Retail store hours	4597
Mr McLean		Mrs Cunningham	
Passenger rail services	4588	Mr Scott	
Mr Adams		Electricity demand and supply	4598
Food industry	4588	Mr Runciman	
Mr Wildman		Mr Kwinter	
Nuclear safety	4589	Waste management	4599
Mr Cureatz		Mrs Grier	
Simcoe Christmas Panorama	4589	Mr Sorbara	
Mr Miller		Capital funding for schools	4600
Automobile insurance	4589	Mr Jackson	
Miss Martel		Mr Conway	
Developmentally disabled	4590	Bingo licences	4601
Mrs Cunningham		Mr Ferraro	
Transmission line	4590	Mr Sorbara	
Mr Tatham		Renovations to apartment buildings. .	4601
Shooting in Montreal	4590	Mr D. S. Cooke	
Mr Sterling		Mr Sweeney	
Mrs Wilson		Rouge Valley	4602
Mr B. Rae		Mrs Marland	
Statements by the ministry		Mr Sweeney	
Interprovincial energy agreement . . .	4591	Technology studies	4603
Mr Ward		Mr Daigeler	
International Human Rights Day	4592	Mr Conway	
Mr Wong		Retail store hours	4604
Fines	4593	Mr Philip	
Mr Scott		Mr Scott	

Toronto area transportation	4604
Mr Cousens	
Mr Wrye	
Court facilities	4605
Ms Oddie Munro	
Mr Ward	
Food banks	4606
Mr Allen	
Mr Beer	
Motions	
Committee sittings	4606
Mr Ward	
Agreed to	4606
Petitions	
French-language services	4606
Ms Oddie Munro	
Temagami district resources	4606
Mr Adams	
First readings	
Legislative Assembly Amendment Act, 1989, Bill 91	4606
Mr Ward	
Agreed to	4606
Provincial Penalties Adjustment Act, 1989, Bill 92	4607
Mr Scott	
Agreed to	4607
Executive Council Amendment Act, 1989, Bill 94	4607
Mr Ward	
Agreed to	4607
Highway Traffic Amendment Act, 1989, Bill 95	4607
Mr Wrye	
Agreed to	4607
Times Change Women's Employment Service Inc Act, 1989, Bill Pr56 ...	4607
Ms Poole	
Agreed to	4607
Opposition day	
Waste management, motion 5	4607
Mrs Grier	4608
Mrs Marland	4612
Mr Bradley	4615
Mr Laughren	4620
Mr McLean	4623
Mr Adams	4625
Mr Charlton	4627
Mr Cousens	4628
Mr Elliot	4630
Mr Pollock	4631
Mr Faubert	4632
Agreed to	4634
Report by committee	
Standing committee on finance and economic affairs	4634
Mr Ferraro	
Agreed to	4634
Answers to questions in Orders and Notices	
Interim answers, questions 323 to 325 .	4635
Responses to petitions	
Security in premises used by public, sessional paper P-18	4635
Mr Scott	
Direct grant program, sessional paper P-36	4635
Mr Bradley	
Other business	
Recess	4587
Business of the House	4634
Mr Ward	
Adjournment	4634
Alphabetical list of members	4635

TABLE DES MATIÈRES

Le jeudi 7 décembre 1989

Déclarations des députés		Réponse	
Fusillade à Montréal	4588	Journée internationale des droits de la	
Mlle Martel		personne	4594
M. B. Rae	4590	Mr B. Rae	



No. 82

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Second Session, 34th Parliament
Monday 11 December 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 11 December 1989

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

FIREFIGHTING

Mr Hampton: A few weeks ago the Ministry of Natural Resources acknowledged the existence of a study which showed that the frequency and the intensity of forest fires across northern Ontario have, on average, been increasing over the past 10 years. The Ministry of Natural Resources spokesperson refers to the global warming effect as one possible cause contributing to increases in the number of forest fires and the increase in their severity.

This past summer the ministry knew of the conclusions of this study and its implications for the protection and conservation of our northern forests and our northern environment. Yet, even as it knew of the study and its implications, this government cut \$6 million from the forest firefighting budget and terminated the employment of 130 trained firefighters in northern Ontario.

Now, as we look ahead to the fire season of 1990, some alarming evidence is already beginning to appear. This fall, the rainfall in northern Ontario was sparse, and so far this winter the snowfall in northwestern Ontario has been extremely light. These factors point to the possibility of extreme fire conditions in the northwest in the spring of 1990. Now is the time for this government to restore the MNR's firefighting budget that was taken away in 1989. Not to do so is to court potential disaster.

UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND

Mr McCague: The United Nations International Children's Emergency Fund was established on this day in 1946, at the very first session of the United Nations General Assembly. It was set up to co-ordinate programs helping children in countries devastated by the Second World War. Four years later, it expanded to include Third World nations with their urgent problems of hunger and poverty.

We are all familiar with the orange boxes our children bring on their Hallowe'en rounds to collect money for UNICEF. Ninety per cent of that money goes directly to overseas projects—projects such as a well-drilling rig in Cameroon, where 60 per cent of rural families do not have safe water.

This year marks the 30th anniversary of the declaration of rights of the child and the 10th anniversary of the International Year of the Child, yet each day more than 40,000 children die in the developing world and thousands more are disadvantaged for life because of undernourishment of body and mind.

UNICEF is fighting to help children get at least the basic necessities of life. All of us should support this worthy aim so that children, wherever they may be, have a chance to live and grow up strong and healthy.

NATURAL GAS PIPELINE

Mr Reycraft: I want to take this opportunity to express some serious concerns I have with respect to a proposed Union Gas pipeline expansion in my riding.

Union Gas proposes to expropriate large quantities of productive agricultural land in southwestern Ontario in order to meet the rising demands of energy-hungry Americans. America's appetite for our natural gas is expected to climb by 22 per cent over the next two years, while the Canadian demand is expected to rise at a much slower rate. Many experts are predicting that Canadians will be competing with Americans for this important resource by the middle of the next decade, so one reason I would maintain that the loss of valuable agricultural land to a pipeline is not justified is because it does nothing to ensure security of supply for Canadians.

Security of supply, however, is not the main issue this time. There are many questions that exist with respect to the project itself. For example, this pipeline is the fourth being built in the area since 1959 and its diameter is the largest yet. The effects of this on agricultural land and the surrounding environment are ill-understood.

The expropriation of productive farm land is usually based on the principle that it is in the broad public interest. Given that the only

probable interest that would be served in this instance is that of Union Gas, I strongly urge that all parties concerned proceed on this proposal with extreme caution. There are many reasons to believe that this project is not in the best interest of Canadians.

DEFAULT JUDGEMENTS

Mr Reville: The Law Society of Upper Canada, in conjunction with South Ottawa Community Legal Services and community legal services in Ottawa, did a study of default judgements in landlord and tenant summary applications in the judicial district of Ottawa-Carleton.

They examined 266 default files and discovered that almost half of them contained at least one fatal defect. Many files contained more than one defect. In addition, a third of the files were awarded illegal amounts of rent. Ninety-eight per cent of all the awards for rent arrears were signed with no evidence of whether a rent deposit had been paid or not.

What this means is that had those cases proceeded to trial, the judge would have had no alternative but to find against the landlord. Yet, because of the failure of the Attorney General (Mr Scott) of Ontario to provide guidelines and checklists to the registrars of each of the districts of the province, tenants are being found against under a default judgement when in fact they should not be.

It strikes me it is high time the Attorney General got on the side of tenants instead of on the side of landlords.

HUMAN RIGHTS WEEK

Mrs Marland: This week, 10 to 16 December, is Human Rights Week, and yesterday marked the 41st anniversary of the United Nations universal declaration of human rights. This week is a time to recognize the ultimate sacrifice of the millions who gave their lives in past conflicts and who are dying in ongoing struggles to ensure that their fellow human beings can live in peace and dignity. It is also a time to celebrate the momentous changes that are occurring in eastern Europe where millions are asserting their rights of political, economic and religious choice.

At the same time, let us count our blessings that we live in Ontario, a society where individual rights are cherished and protected. The Ontario Human Rights Code, the first legislation of its kind in Canada, was established 27 years ago by the Progressive Conservative

government of John Robarts. The code formally recognizes the moral, social and economic rights of individuals in our society.

This week is also a time to remind ourselves that although we can be proud of our human rights record, it is not perfect. We still need a vigilant Ontario Human Rights Commission to uphold our Human Rights Code. This New Year's Eve, as we enter a new decade, let us resolve to do everything that is in our power to change personal and societal attitudes so that human rights abuse is eliminated to the extent that it is humanly possible. It is up to each one of us to make this world a better place for our children and grandchildren.

GUN CONTROLS

Mr McGuinty: In the context of the tragic event in Montreal last week, the Ottawa police made another plea for greater gun controls—a recurring plea—with some startling figures with regard to gun acquisitions in our area.

A firearm acquisition certificate may be submitted by anyone over the age of 16. Only two basic questions are asked: "Have you been charged and/or convicted of a criminal offence during the past five years?" and "Have you been treated for mental illness for the past five years?" The former may be easily confirmed. With medical files confidential, the latter is limited to the response by the applicant.

1340

In my home town during the past five years 6,768 acquisition certificates were approved. Less than one per cent of applications were rejected. The Ottawa police receive from two to five gun calls per day; that is, weapons reported. Figures Ontario-wide are no less alarming and disconcerting. In three years, from 1986 to 1988, a total of 150,000 acquisition certificates were approved.

To the rejoinder, "Guns do not kill people, people kill people," espoused by such as the American Rifle Association and some people in Ontario, there is the obvious reply: people kill people with guns. Our Ontario police are faced with an intolerable predicament brought on by too-lax gun controls. This is a serious question for which we must find an answer.

PROPOSED HOSPITAL MERGER

Mr Reville: There is a lot of anxiety and concern about the future of Women's College Hospital. We know that in response to public pressure the Minister of Health (Mrs Caplan) has finally appointed an independent panel to review

the merger process between Women's College Hospital and the Toronto Hospital Corp. We also know that the city of Toronto's medical officer of health is looking at the proposed merger from the perspective of access to health care.

What no one seems to know is what this merger means for the future of the specialized services now being offered by Women's College Hospital. Nobody knows that because the vision statement promised for November by the two hospital boards has still not been released. Many people are concerned that the Toronto Hospital Corp is being issued a blank cheque. That, of course, would not surprise a whole lot of people who have watched what happens with the Toronto Hospital Corp.

The question for the government is, when is the minister going to share with interested parties her view of the future of Women's College Hospital?

ASSISTANCE TO FARMERS

Mr Villeneuve: In Ottawa today the annual agricultural outlook conference begins. I understand that the Minister of Agriculture and Food (Mr Ramsay) is in attendance and indeed participating. I will quote from one of his very recent press releases. "The agrifood industry in Ontario and in Canada is at the crossroads. It is no time to be vague about which road to take. We must set decisive, informed directions which will contribute to the industry's long-term viability," says our Minister of Agriculture and Food.

This is the same minister who has had his budget cut by \$55 million in the last year, has terminated the Ontario family farm interest rate reduction program, has cut back on the farm tax rebate program and has basically taken a back seat to every other ministry within this province. He speaks great words; however, they sound rather hollow when you look at the record of this government and this Minister of Agriculture and Food, along with his predecessor. As we come in to the 1990s, agriculture will be suffering a 38 per cent decrease in net income.

Mr Speaker, do you know of any other sector in this province or in this country that is faced with that kind of a negative situation? We need action here, now.

ANDRE BIELER

Mr Keyes: On Friday 1 December, Andre Bieler, one of Canada's artistic pioneers, died at his home in Kingston. He was 93. Mr Bieler is widely known for his paintings, which depict traditional rural Quebec life along the shores of

the St Lawrence. He was a co-founder of the Agnes Etherington Art Centre in Kingston, one of Canada's most notable galleries.

Andre Bieler was born in Lausanne, Switzerland, studied painting in Paris and New York, and finally joined his family in Canada in the 1920s. Mr Bieler settled first in rural Quebec, then Montreal, and finally in Kingston in 1936, where he became artist in residence at Queen's University. He remained in Kingston for the rest of his life.

One of Mr Bieler's greatest accomplishments was in 1941 when he organized the first conference of Canadian artists. That Kingston conference sparked ideas which led to the establishment of the Canada Council many years later.

In 1988 Mr Bieler was awarded the Order of Canada. Because of inability to travel, the award came to him. On 13 October this year, in my presence, the Right Honourable Lincoln Alexander presented Andre Bieler with his award at Kingston's Hotel Dieu Hospital. It was a fitting honour for a man who had served the Canadian artistic community as both artist and advocate.

Mr Speaker, would you please join me and all members of this House in paying tribute to Andre Bieler, a man who is fondly known as the people's artist.

The Speaker: That completes the allotted time for members' statements. The member for Markham is on his feet. For what reason?

Mr Cousens: I understand there is agreement in the House for a statement on Human Rights Day as it affects Soviet Jewry.

The Speaker: Is there unanimous consent? Agreed to.

INTERNATIONAL HUMAN RIGHTS DAY

Mr Cousens: I rise today to join my colleagues and the other two co-chairmen of the Soviet Jewry committee, the member for Hamilton West (Mr Allen) and the member for Oakwood (Ms Hošek), in paying tribute to the 41st anniversary of International Human Rights Day.

Yesterday, 10 December, millions of people around the world celebrated the reaffirmation of basic human rights. However, yesterday thousands of Soviet Jews continued to face persecution. As co-chairman of the Ontario Legislature's committee on Soviet Jewry, I would like to take this opportunity to call on the Soviet Union to practise what it has been preaching. In the wake of glasnost and perestroika, we in the west have been witness to a remarkable chain of events in

eastern Europe. From the dismantling of the Berlin Wall to the rise of democratic movements in Poland, Hungary, Czechoslovakia, East Germany and hopefully in the Baltic states, our faith is renewed that freedom and independence can become a reality.

Our committee challenges the Soviet Union to abide by these principles in its dealings with Soviet Jews. If these events are to have any true meaning for citizens of eastern Europe and the Soviet Union, all citizens must be included.

Members of this Legislature should be aware that hundreds, perhaps thousands, of refusenik cases remain unresolved. Of even greater concern is the rising tide of anti-Semitism in the Soviet Union. The new freedom in the Soviet Union permitted by glasnost has ironically resulted in several anti-Semitic campaigns. One organization which has come to our attention, Pamyat, has launched a very visible public campaign of anti-Semitism.

If the celebration of International Human Rights Day is to hold true meaning for citizens of the world, it must pertain to and be honoured by all cultures. Momentous steps have been made this past year that reinforce the hope for freedom and peace for all people in this world. Unfortunately, for Jewish people in the Soviet Union there is still a long way to go.

The Ontario Legislature committee on Soviet Jewry is committed to fight for human rights. We cannot take freedom for granted; not our own, not in the Soviet Union, not anywhere.

Ms Hošek: Yesterday, 10 December, was Human Rights Day, the day we celebrate the creation of the United Nations declaration of human rights. It is also a time in which we reflect on all the many ways in which human rights are being violated around the world. Those of us who are particularly interested in central and eastern Europe have been watching events there with a great deal of hope. In the Soviet Union we see many changes in the structure of society and a lot of language about plans for a more open and free political system.

We must not let our hopes for the future blind us to the problems that still remain. Despite glasnost, despite perestroika, there are still in the Soviet Union today Jewish families who have been denied permission to emigrate. There are still families split apart by a regime which has allowed some members to emigrate and others not.

Just last week, Vladimir Rais, the longest-serving refusenik in the Soviet Union, was once again refused permission to leave. This man and

his family have been waiting to leave the Soviet Union for 18 years.

Openness in a society with the history of the Soviet Union has its dangers as well as its opportunities. The new freedoms have been used as an opportunity for several strongly anti-Semitic groups to express the same old hatreds and the same old lies which Jews have heard for hundreds of years. It is up to the Soviet government to indicate its strong disapproval of these words and these acts and to strengthen the path of tolerance and human rights.

We call upon the Soviet authorities to make sure that the new freedoms for their people include freedoms for the Jewish people in the Soviet Union as well: freedom to emigrate and the freedom to live in a tolerant society.

1350

Mr Allen: I am proud to join my colleagues the co-chairs of the Soviet Jewish committee of this Legislature in a statement on the conditions of Soviet Jews on the occasion of the United Nations International Human Rights Day. A remarkable spirit of goodwill and new hope, as my colleagues have noted, has developed in the relations between east and west as a result of the Gorbachev initiatives under the policies of glasnost and perestroika.

A new openness of political culture, of religious life and of human rights is hopefully in the making in Russia and eastern Europe. Soviet Jews have experienced glasnost in the form a major relaxation around emigration, the opening of cultural centres in several cities and the start-up of previously forbidden Hebrew-language classes. However, much remains to be done before Soviet Jews have the benefit of full liberty of expression and freedom of movement. Several hundred refusenik cases remain, and only last week the longest-serving refusenik again was refused permission to leave. New applicants are by no means readily approved.

A disturbing aspect of the current scene is that the new freedom has apparently encouraged the formation of anti-Semitic groups whose crude public demonstration displays attitudes that go long and deep into the Russian past and which call for the most vigorous response from the Soviet state and Mr Gorbachev himself. There are some indications that such groups may yet have friends in high places.

At this time, as we mark International Human Rights Day, it is still appropriate, perhaps more appropriate than ever because hope has been unleashed, to call upon the Soviet Union to move speedily to extend all basic rights and protections

to Soviet Jewry. The New Democratic Party caucus, whose members are all members of the Legislature committee on Soviet Jewry, join in asking Soviet authorities to honour commitments made this year to respect the human rights provisions of the Helsinki accord.

It is worth noting in this connection that our leader, the member for York South (Mr B. Rae), will be in the Soviet Union for the Lithuanian elections on 24 February and he will be seeking discussions with Soviet Jewry on the conditions of Soviet Jews at that time.

We make this call in the full recognition that our Canadian record on minority rights is by no means entirely clear, and indeed our country is at this moment the subject of a United Nations inquiry into the condition of our native people. But we rise on this day to declare again that human rights are indivisible, that one person's restriction, abuse or imprisonment is never, in reality, another person's freedom. The chains we forge for others, sooner or later, shackle ourselves. Once more therefore, in this assembly and in that spirit, we point to the continuing refusal to grant full rights to Soviet Jews and pray that it may be the last time we need feel compelled to do so.

The Speaker: There seem to be a lot of private conversations taking place. Maybe they are necessary, but they are a bit noisy.

STATEMENTS BY THE MINISTRY

HOUSING ON GOVERNMENT LAND

Hon Mr Sweeney: Since assuming the Housing and Municipal Affairs portfolios, I have said many times that we must increase the housing choices for our families now and for our children in the future. This means increasing opportunities for families to buy an affordable home and creating decent places to live for those who rent. Selling government-owned lands for housing is a modest but important part of this effort. I would now like to update members on the progress this government is making under the province's Housing First policy.

During the next year I expect construction will begin on approximately 2,200 homes on provincial government lands. This new housing will include affordable starter homes people can buy and nonprofit homes for rent. We are able to do this thanks to a new residential land sales initiative developed jointly by my ministry and the Ministry of Government Services. The key to this new residential land sales approach is that the government sells its land to a qualified builder

who guarantees the lowest sales price of affordable starter homes to be built on those lands.

Construction will start during the next year on these 2,200 homes in Mississauga, Bowmanville, Windsor, Kitchener, Guelph and Stoney Creek. I also expect work to begin on an additional 250 homes on government land in Oakville in 1991. I am pleased to say that more than half of the new homes on these sites, about 500 homes for rent and about 800 starter homes for sale, will be affordable for low- and moderate-income households.

This morning, my two colleagues the Minister of Government Services (Mr Ward) and the Minister without Portfolio responsible for disabled persons (Ms Collins) and the member for Wentworth East made an announcement in Stoney Creek which is the first concrete example of what we will do on government-owned lands in the next few years. Eighty starter homes priced at \$59,700 will be built on land currently owned by the province in the Heritage Green community of Stoney Creek.

As my colleague the Minister of Government Services said this morning: "These starter homes are the first achievement of our government's new residential land sales initiative and it's an achievement in which the community of Stoney Creek, and indeed the region of Hamilton-Wentworth, can take pride."

The land will be sold to two local builders, Losani Homes Ltd of Stoney Creek and Tommar Construction Co Ltd of Hamilton, who will build and market these homes during the coming year.

These 80 starter homes will be available only to first-time buyers, and antispeculation measures will be used to ensure they remain affordable. Interested buyers will be able to obtain details by calling a hotline number to be set up and advertised by the builders in January.

As part of the agreement, the builders acquire land in Stoney Creek which can provide 140 lots for the construction of detached homes that they may sell according to market.

Today's announcement is good news. But affordable home ownership is only part of our effort to increase housing choices. Another important aspect is nonprofit housing designed, built and managed by local nonprofit groups.

Last Friday, my ministry gave the go-ahead for nonprofit organizations to plan for more than 6,400 rental units through my ministry's Homes Now program. Since it began just over a year ago, Homes Now has allocated about 28,000 nonprofit homes across the province.

I recognize the crucial role nonprofit groups play in creating affordable rental housing for low- and moderate-income households. That is why some 500 of the 2,400 homes that will be going up on provincial lands in these seven communities that we are talking about today will be affordable rental housing.

With this initiative, this government is increasing the ownership and rental housing choices for the people of this province. Homes built on these government lands will be a well-planned mix of low-rise apartments, townhouse-style condominiums, semidetached and detached homes. These new homes will fit in with existing neighbourhoods.

By working with the building industry, nonprofit groups and municipalities, we are able to create a significant amount of affordable homes that people can buy or rent.

This announcement marks a significant new direction in the use of surplus government land for housing. But to continue this momentum, we need the commitment and the creativity of the province's builders, nonprofit groups, municipalities and the public.

As Minister of Housing and Minister of Municipal Affairs, I will continue devoting my energies to seek new ways to expand the housing choices for people today and for our children tomorrow.

1400

RESPONSES

HOUSING ON GOVERNMENT LAND

Mr D. S. Cooke: I would like to take a couple of minutes to respond to the Minister of Housing and start off by indicating to the minister that we would be enthusiastically in support of this if it was truly a mechanism of providing housing for middle- and low-income families across this province, but at first look at the announcement, in Stoney Creek, for example, it looks like 220 building lots are going to be made available, of which 140 of those are going to go at market value and provide market value housing to people in that community, about a ratio of two to one, an absolutely huge government subsidy from the taxpayers of this province to provide that type of housing.

I think this first announcement is an indication of the minister's and this government's obsession with ownership housing rather than continuing the progress that has been made in the last few years of getting more co-op and nonprofit housing available on the market across this province.

The minister's referred to making sure that the 80 units would remain affordable by saying that there is going to be some antispeculation measures but he does not tell us at all what those measures are. His government has totally resisted any kind of speculation tax to make sure that we try to protect people in urban areas across this province, and now he comes up with a statement today and says some undefined secret mechanism is going to be put in place to make sure that these units remain affordable. We just do not buy it. That is not what has happened in the past, and I do not see that that is going to happen in the future. There have been other programs like this in place before, and we have seen what has happened to the prices of those housing units.

When members take a look at this announcement today and at the announcement the minister made on Friday of the over 6,000 units in the co-op and nonprofit areas—that is basically the last allocation of the Homes Now program—with no future program at all for nonprofit and co-op housing from the provincial level for next fiscal year or the year after, I think they will see that the crisis in housing that exists in this province now is simply going to get worse.

The minister has taken tours and has met with people. Dealing with the homeless in this province and in particular in this community, I say to him, it is not good enough to go out as he did on October 2 and talk about home ownership to homeless people in this community and expect that just because that is his view of the world, that is everybody's view of the world.

There are people in this community and across Ontario who want decent, affordable rental housing. That is the most practical way of providing affordable housing in this province in communities like Metro Toronto, Hamilton and Ottawa. The minister has to get his act together and get back into that market next year by a massive housing program. He has abandoned proper protection of tenants in this province through the rent review legislation. That housing is skyrocketing because they do not have proper protection. The minister is getting out of the co-op and nonprofit housing, so there is not going to be affordable rental housing coming on the market, and now he is providing a very small number of units with absolutely no protection to guarantee that those houses will remain affordable and at the same time providing an incredible subsidy to the private developers by giving them building lots at very low value.

This is a very disappointing announcement, and it indicates that the government's policy on

providing affordable housing in this province is absolutely bankrupt and that things are obviously going to be getting worse.

Mr B. Rae: Just to reinforce the comments by my colleague the Housing critic and our House leader, I want to say to the minister that I recall the assisted home ownership program—I am sure the minister does—going back some 15 years to the days of the Liberal regime, the Trudeau regime, in Ottawa. Those houses entered the market and became the eventual subject of speculation.

I do not understand how the minister thinks he can have it both ways. How can he say that he is somehow going to stop speculation for the first 80 homes in Stoney Creek that are so-called affordable while his Treasurer, when I have asked him the same question over and over again as we face speculation in the province, has been saying for the last several years that there is no role for the province in stopping speculation? I think there is an incoherence here which is going to end up causing the minister great problems.

Mr Harris: First of all, I want to say that I and my party are supportive of the move to home ownership. We are supportive of the stated objectives of the minister to move into the home ownership route, although we have some concerns with the announcement that was made today.

However, I want to put on the record my disagreement with my colleagues from the New Democratic Party. We believe that home ownership is the way that we should be moving, into providing far more efficient costs, into providing control, into providing people with the dream of home ownership and a vested interest in a property which we believe will significantly reduce the overall commitment that government will have to be making.

Having said that, of all the billions that the ministry is talking about, this announcement is only talking about 80 units. I guess my biggest concern is that the minister is spending billions and billions of dollars and allocating billions of dollars to subsidize housing when the real problem is that the government, led by the Premier (Mr Peterson) and the minister's cabinet colleagues, has not in any co-ordinated way been able to tackle the basic infrastructure problems that this province has. The government has not made infrastructure decisions on providing serviced land at affordable cost so that the private sector could build all of this housing far cheaper than the government is having to do by subsidizing.

On basic infrastructure decisions such as transit, roads, parks, schools, hospitals, sewers, water and garbage, the government has done nothing for the past five years. It has had unlimited opportunity. It has had gobs of money. But it has refused to make the difficult infrastructure decisions as a government and as a party, and so now it has to spend billions of dollars subsidizing where it would not have had to spend a penny subsidizing had it made those basic infrastructure decisions.

Unfortunately, I guess for 42 years people took for granted that these decisions just happen, but we have seen in the past five years that they do not just happen. Somebody consciously has to make those basic, good, sound management infrastructure decisions, and they have been ignored by this administration for the past five years. It is ironic that the flagship of the announcement today, the Stoney Creek announcement on Lake Ontario, is so late in coming. It is actually a reannouncement from July 1988, and the government has done nothing, but now it is going to have to exempt it from the environmental assessment process.

I am surprised my colleagues from the New Democratic Party did not mention that. That again requires sound planning. You have to anticipate down the road, put the infrastructure into place and be cognizant of the environmental impacts. Now the minister is exempting this project from the EA process. He is saying: "We are so far behind, so desperate, we are going to fire this money in and we ourselves are not going to have to follow the Environmental Assessment Act."

The second part of the minister's announcement talks about another reannouncement of some of the specifics of the billions he is putting into the nonprofit sector. In North Bay, under the predecessor to Homes Now, Project 3000, they allocated 18 units to the nonprofit sector in North Bay. They are going to open next spring at a cost of \$100,000 a unit. They average about 1.8 bedrooms. The private sector is building these things far better, far sounder for in the neighbourhood of \$60,000 to \$65,000 a unit.

When we see the government's \$3 billion—\$2 billion in the last budget and \$1 billion now—for 30,000 homes, it is averaging \$100,000 a unit. By the time the government fritters around—it is so far behind in the infrastructure; the nonprofit groups have to hire consultant after consultant, architect after architect—the cost is averaging \$30,000 to \$40,000 a unit more than the private sector is doing all on its own without any

government help and it is wasting about \$1 billion in the process.

We applaud the initiatives to move towards home ownership. But this government cannot manage its way out of a wet paper hat.

1410

ORAL QUESTIONS

ONTARIO PLACE

Mr B. Rae: In the absence of the Premier (Mr Peterson), perhaps I might address my questions to the Chairman of the Management Board of Cabinet. The former Minister of Tourism and Recreation, who is now the Minister of Mines (Mr O'Neil), received a memorandum on 20 March from the chairman of the board of Ontario Place, Patricia Starr. This memorandum has been referred to in the House before.

In that memo she said, "Dear Hugh:" and then in large type, "Ontario Place has cut its deficit by just over \$2 million for fiscal year ending March 31, 1989\$\$\$!" and closes by saying: "Thank you for your continued support. We're looking forward to a dynamite season."

Mr D. S. Cooke: Someone blew the Liberals out of the water.

Mr B. Rae: Something blew up; that is obvious.

My first question to the minister is, I wonder how he can explain how a senior public servant, such as Mrs Starr was at that time, could have been so completely wrong in her estimate of what the deficit for Ontario Place would be. She said that, "Ontario Place has cut its deficit by just over \$2 million...!!!" In fact, the deficit was cut by \$1.4 million. It is a \$600,000 error.

The Speaker: Thank you.

Mr B. Rae: Has the minister any explanation for Mrs Starr's \$600,000 error?

Hon Mr Elston: I do not know how the calculation was arrived at, nor do I recall actually being asked to compute any of the deficit reduction or otherwise. I do know that overall there were a number of improvements made at Ontario Place and there was an expectation, I think, that there would be an increase in people attending. People at Ontario Place are quite well aware of the increased pressure on the entertainment dollar in a market which is quite actively occupied by several attractions, not only in this area but in areas which are quite close.

From my point of view, there are probably some explanations which would come from people who actually wrote the memo. I am not in a position to second-guess the person who wrote

the memo, nor am I in a position to tell the member in detail about the reactions of people from the Ministry of Tourism and Recreation, but I will undertake to get back to the member after I have had a chance to discuss this with the people at Tourism and Recreation.

Mr B. Rae: Since the minister could not explain this \$600,000 error by Mrs Starr in a memorandum which she wrote as the 1989 fiscal year was ending, which is a rather significant mistake, I wonder how he can respond to the following criticisms which were launched by the Provincial Auditor against the administration at Ontario Place under Mrs Starr's management.

He describes "related planning and rationale being much less developed and supported than would normally be expected of a public section institution." He "found that the processes followed did not ensure that moneys were well spent or that fairness and equity were demonstrated." He found, on concession letting, the practices were "so informal that we could not determine whether all potential operators were treated in a fair and equitable manner." He found that so many people had left or were fired "that hiring procedures were less formal in order to meet operating season pressures."

The Speaker: Your question.

Mr B. Rae: There were no advertisements and no fair hiring practices as is common in the public service.

I wonder if the minister can explain how it is that a deputy minister of the Liberal government who was on the board of Ontario Place apparently approved of all these practices—

The Speaker: Thank you.

Mr B. Rae: —many of which are questioned by the auditor. How could the government have been asleep at the till all that time for those two years when all these practices were taking place?

Hon Mr Elston: The honourable gentleman is going through a number of items which I will look into, with respect to hiring practice and other things. He knows that we take the auditor's report very seriously indeed and we look into the issues that are brought to our attention by honourable members such as himself. We know that he will be happy to receive my fuller report when I have had chance to speak to the people at Tourism and Recreation with whom the Ontario Place Corp has a definite and legal connection.

Mr B. Rae: The auditor finds all kinds of questionable practices with regard to the letting of contracts, with regard to what happened to staff turnover. One example, which I am sure

members will relate to and all members of the public will relate to, is that baseball caps for the uniforms cost \$2 in 1988 and they cost \$11 in 1989. A woman's sweater cost \$10 in the previous year, 1988; it went up to \$35 in 1989. He questions the whole way in which this particular contract for \$150,000 was let.

Again, the government was there. The deputy minister is a member of the board. Here we have the minister himself posing in full tuxedo—

The Speaker: Question.

Mr B. Rae: —regalia with the other corporate sponsors, along with Mrs Starr. I want to know why is it that the government is posing for pictures with Mrs Starr, the cabinet ministers are posing for pictures with Mrs Starr, the government has its deputy minister on the board and this kind of misbehaviour is going on.

The Speaker: Order.

Hon Mr Elston: The honourable gentleman has a series of questions about which I undertook to get back, but let me say a couple of things. The member is asking me to get back to him with respect to the turnover of a number of people of whom it was adjudged that there were difficulties in administration when the individual, Mrs Starr, took over. There was a lag in the amount of business that was generated for Ontario Place Corp.

There were decisions made with respect to changing, to upgrade and to become more vigorous in looking for people to attend the Ontario Place Corp grounds. It seems to me that there are things which, he would understand, having been done to try to increase the attendance at Ontario Place, required some very quick action indeed. But I say again that I will get back to him. He knows that I am not directly in charge of Ontario Place, but I will provide him with a report on what I determine to be the underlying causes of this.

With respect to other items about pictures being taken or otherwise, I will likewise request that he be included in the next series of official photographs at Ontario Place.

RETAIL STORE HOURS

Mr B. Rae: I have a question for the Attorney General.

Hon Mr Bradley: Does this involve photographs?

Mr B. Rae: There are no photographs apparently involved in this one.

The Attorney General said in April 1988, when he introduced the Retail Business Holidays

Amendment Act—I just want to remind the Attorney General of what he said at that time because he may have forgotten—that, “The existing legislation...has been flagrantly and systematically violated by numerous retailers and was particularly violated during the Christmas and post-Christmas shopping season.” He went on to say: “Each year...disrespect for the law has become widespread,” and, “The act was...a law whose application was becoming more and more impossible to enforce, particularly in many large urban centres.” I could read the entire speech, but I think I will spare the House that pleasure.

The Speaker: Question.

Mr B. Rae: This sounds very much to me like a description of this past weekend and indeed of the weekend prior to that. I want to ask the Attorney General why he has not done the one thing which will bring a stop to the number of illegal store openings across the province, bring an application in the name of the Attorney General, in the name of the government of Ontario, that will apply across the province and that will ensure the law is in fact enforced across Ontario?

Hon Mr Scott: I have been the Attorney General for four years and I can always tell when it is Christmas because we have this kind of question from the Leader of the Opposition. The reality is that there is better compliance with the law this year than there has been in any of the preceding four years.

Mr B. Rae: No.

Hon Mr Scott: No? The honourable member, and it is lucky for him, has a very short memory. If the honourable member goes back to the circumstances that obtained in the last four years, he will find that we have a better compliance record this year than we have ever before had.

We have difficulties in four regions. In two of those regions the municipalities have acted to seek an injunction and we have indicated that we will support them. I wrote to the regional chairman in Metropolitan Toronto on Friday to that effect and we have indicated that more broadly. But we believe that the best way to initiate the process is for the municipalities to act first, because as the honourable member will know, you have to have the names and locations of the stores that you seek to have the injunction against.

I do not know what stores in Sault Ste Marie the municipality wants to have closed because it has a tourist area there.

1420

The Speaker: Thank you.

Hon Mr Scott: The municipalities must act first. We have indicated that we will support them, and we will.

Mr B. Rae: I want the Attorney General to know that he has far more authority in this matter than he is prepared to give himself. I do not know why he is being such a shrinking violet and so modest in terms of what he can do. This modesty is completely out of character for the Attorney General.

Section 8 of the Retail Business Holidays Act sets this out. It says that, "Upon the application of counsel for the Attorney General or of a municipality to the Supreme Court, the court may order that a retail business establishment close on a holiday to ensure compliance with this act or a bylaw or regulation under this act."

Mr Justice Potts has ruled that if we want to enforce compliance under the act, it is the Attorney General who has to bring the application. I want to say to the Attorney General, why not bring an application, why not gather the information across the province and bring the application in such a way that there will be no doubt as to where he stands? The public has the impression that the Attorney General is not prepared to enforce the law. What is he going to do to end that impression?

Hon Mr Scott: From the very beginning we have made plain that where charges are laid the crown law staff will vigorously enforce them. The member will have seen that something like 41 charges were laid over the last two days in the three regions with which we are primarily concerned, where most of the problems have arisen. We have also indicated, with respect to those municipalities that propose to act, that we will support them and go with them to court in order to seek an injunction.

My honourable friend seems to think that you can get some kind of injunction that is directed to everybody. You cannot. You have to list the stores and their locations in each community, which is information that can only be obtained by local police forces.

We have said to municipalities, and I say it again, "If you take those steps, we will be glad to support your application so that an injunction can be granted." The regions are co-operating, providing a better understanding of what is at stake than the Leader of the Opposition, who just gets up on Monday morning, reads it in the paper and comes in and asks a question.

Mr B. Rae: We are coming close to a season in which charity is the order of the day, but I want to say to the Attorney General that I find it difficult to believe, I find it hard to understand when this government is faced with full-page newspaper advertisements in every major newspaper which set out clearly and categorically the plans of stores to break the law, when corporate presidents are on television and are holding press conferences announcing that they are going to break the law, that it is their intention to break the law because they do not like the law, this Attorney General is saying, "Well, I have to wait to see what a local municipal council does." I do not understand that. I have difficulty comprehending why the Attorney General is taking that position.

I repeat, the law says the Attorney General can bring an application. Section 8 sets that out very clearly and specifically.

The Speaker: Question.

Mr B. Rae: Why is he not personally using section 8, why is the government not using section 8 in order to stop this nonsense right dead in its tracks? He can do it.

The Speaker: Order.

Hon Mr Scott: Let's take a concrete example where the issue in fact arises. We have indicated to Metropolitan Toronto that if its police officers will lay charges we will prosecute those charges to the limit of the law, and that we are doing. They have sought to obtain injunctions against not 25, not 55, but two store owners and have run into a problem as a result of the decision of Mr Justice Potts.

We have indicated to them by letter that if they want our support with respect to the injunction application they have brought against two store owners, we will provide it. We have made the same offer to any other municipality in the province, and the public will want to know we are fully discharging our responsibilities under this law.

ONTARIO PLACE

Mr Brandt: My question is for the Chairman of the Management Board of Cabinet. I would like to question the Chairman of Management Board with respect to the Provincial Auditor's report on the operations of Ontario Place.

The litany of irregularities is truly amazing as outlined in this report. I would like to ask the Chairman of Management Board if he in fact agrees with the position of the auditor in connection with the number of irregularities, which include inadequate tendering practices, as

pointed out earlier, hiring without competition, unusually high staff turnover? Does he agree with the auditor in his statements as they relate to those areas and others he has pointed out or does he take the position that supports Mrs Starr, who indicated there were no irregularities as they relate to the operation of Ontario Place?

Hon Mr Elston: As I have informed the Leader of the Opposition (Mr B. Rae), I will inquire more fully of the Ministry of Tourism and Recreation and provide information for him plus the member representing the third party.

I can tell the honourable gentleman that I certainly agree with the fact that there was a high rate of turnover at Ontario Place and that, in my view, it coincided with a change in mandate to more aggressively market the great facilities at the Ontario Place Corp grounds. We will look more fully into the manner in which there was replacement of staff at that facility.

Mr Brandt: While aggressively marketing Ontario Place, it might be of interest to the minister to note that, when fees for the admission to Ontario Place were increased substantially, attendance went down.

With regard to the number of irregularities that I am speaking of, relating to staff turnover as an example, some 58 people in the senior management levels were either fired or quit out of a staff of some 80 at that particular level of the operation. That is not only highly unusual, it is almost unheard of in the civil service that this many people would leave that particular corporation. I would like the minister to look into that as well.

In particular, and my question is related to this one, will the minister investigate specifically the purchase of some \$40,000 worth of equipment at Ontario Place, by Mrs Starr apparently, which one year later was auctioned off for \$6,000, a loss to the taxpayers of some \$34,000? I want to know why that equipment was purchased and why a year later it was auctioned off, and of particular interest to me is who purchased the equipment for \$6,000.

Hon Mr Elston: I will inquire.

Mr Brandt: The government indicated, in statements that we had heard earlier about Ontario Place, that it was going to substantially improve the operations as a result of some of the changes that were taking place. The bottom line is that this facility, which has run well, admittedly with a deficit over the years but without particular controversy, is now in a state of upheaval the likes of which I have never seen before.

How is it possible that a deputy minister who would be there ostensibly as a watchdog for the government, to protect the interests of the taxpayer, would be in attendance at the meetings at which some of these things were carried out, meetings at which these decisions were in fact made? What has the minister or his government said to this particular deputy minister in connection with his responsibilities relative to looking after the interests of the taxpayer?

Hon Mr Elston: I know for instance that the former Minister of Tourism and Recreation, who is the member for Quinte (Mr O'Neil), spent a great deal of time in reviewing the activities at Ontario Place and had a series of concerns about the number of staff turnovers. But in conjunction with what the member has already observed, and that is the number of years in which Ontario Place had been unable to meet a balanced budget situation and had actually declined in attractiveness to some of the people who would chose between it and another venue for their recreational activities, there was an understanding that there would be changes of personnel and that there were difficulties in marketing which had to be overcome to ensure that there was a more aggressive pursuit of increased attendance.

While there were changes being made with respect to firms that were providing services on the grounds and while there was put in place a capital plan which would reach into the future to provide some attractions on the grounds, there were debates within the organization about how best to manage in the short term. I can tell the honourable member that what we were trying to do was fully put in place a very active marketing strategy for Ontario Place Corp. I do not know, for instance, about the particular equipment of which he speaks, but I will inquire about that and inquire about some of the other activities he has asked about and will provide a fuller report to both the member and the Leader of the Opposition at a future date.

1430

RETAIL STORE HOURS

Mr Brandt: As expected, I have a question for the Attorney General in connection with the Retail Business Holidays Act. I would like to ask the Attorney General, in view of the decision that Mr Justice Potts has brought down in connection with this matter, how long he anticipates it will take the municipalities to have their bylaws in order so that they can in fact act in order to protect their interests on a local level and also comply

with the directive, as issued by Mr Justice Potts, relative to the requirement for such bylaws.

Hon Mr Scott: I think there is a misunderstanding about the nature of the decision. There is nothing in the decision that says the municipality must pass any bylaw nor is there anything in the decision that casts any doubt on the validity of the provincial law. What his lordship said, as I understand his reasons, was that the Attorney General alone could bring the application that is required to grant an injunction. That decision is not binding on any other judge in the province and there will be other judges who will make other decisions.

I have indicated that in so far as that decision presents a difficulty for the region of Metropolitan Toronto or indeed any other municipality in the province, we will be prepared to lend the name of the ministry to any application that the municipality is prepared to make to the court. Those applications can be brought at any time the municipality wants to bring them.

Mr Brandt: The Attorney General is saying that Mr Justice Potts did not in fact require of the municipalities that they have their bylaws in place in advance of taking action against the individual stores. If he is saying that and that the provincial government will have the ultimate responsibility to bring action in co-operation with the municipalities, why will he not take the advice that we offered him in a spirit of goodwill some weeks ago?

We attempted to get him to act under section 8, whereby he could make sure, in co-operation with local police forces, that those laws were in fact being enforced properly at the local level when the municipalities did not want to have those stores open on a Sunday. Why would the Attorney General not act under section 8 as he has the authority to do?

Hon Mr Scott: I guess the honourable member was preoccupied preparing his questions when the Leader of the Opposition (Mr B. Rae), well ahead of him, asked precisely this question. The reason, if I can just approach it again, is that in order to make an application for an injunction, the local police must essentially do two things.

They must, first of all, lay criminal charges or quasi-criminal charges, or be prepared to explain why they have not, not only against the persons against whom the injunction is sought, but against anybody else in the community as well. They must, second, conduct an investigation to determine that the store is open in breach of the bylaw. Only municipal police officers can do the work that is necessary to found an injunction. I

have no power, nor has the government, to instruct local police officers on what they may or should do. That can only be done by the municipality itself in those places where there is a municipal police force.

We have said to the municipalities, we have said since Friday and before, although it did not appear to be necessary before, that if they wish to act, if they wish to instruct their police to give priority to this, if they wish to prepare the information necessary to obtain an injunction, we will support their application so that the technical requirement of Mr Justice Potts's decision will be met as long as it remains the law of the province.

Mr Brandt: I want to thank the Attorney General for bringing to my attention the fact that he had answered the question previously. Neither my party nor, I believe, the official opposition or the people of Ontario are happy with the Attorney General's answer. That is why I asked the question again.

I would like to ask the Attorney General, just so he could clarify for all to hear, what in the world the purpose of putting section 8 in the act was if, for purposes of having the province take any initiative whatever in regard to enforcement, he has no intention of acting in a province-wide manner, as has been suggested by many, many individuals who feel that is the only way he can bring the present chaotic situation under some kind of control.

He knows full well that local police forces can lay charges which are, in fact, then pursued in the courts by the province of Ontario. He continues to play with words to indicate—

The Speaker: Order. The question was asked. Order.

Hon Mr Scott: The power of the Attorney General, which is the same as the power of the municipalities under section 8, is simply designed to be applied in the event that some municipalities should, for example, say, "We are not going to enforce the act or our bylaws at all within the municipality." Then it would be open to the Attorney General to act. That situation has not yet occurred—

Mr B. Rae: That is not what it says at all.

Hon Mr Scott: —and, of course, when it does, we will have to address that situation.

Mr B. Rae: There is nothing in the act which implies that for a moment.

Hon Mr Scott: The other possibility—and it is getting very difficult for anybody to hear because

the Leader of the Opposition is yelling at the top of his lungs again, but I will try.

The second reason why the Attorney General might intervene to bring an application is if a single store or a single chain indicated that it proposed to open its doors on Sunday all across Ontario, in every municipality. But that situation as well has not occurred. We have the capacity, but so has the municipality. In so far as there is a technical difficulty, as a result of Mr Justice Potts's decision, which was not anticipated, we have indicated to those municipalities that we will support their application if they bring it.

OCCUPATIONAL HEALTH AND SAFETY

Mr Mackenzie: I have a serious question for the Minister of Labour. On 1 April 1986, Tarlok Cwahbra was seriously injured at the Brampton plant of Johnson Matthey Ltd when material he was preparing for melting exploded in his hand. Three years later, on 24 November, the Ministry of Labour has decided not to proceed with charges under the Occupational Health and Safety Act. Immediately after the ministry withdrew those charges, Mr Cwahbra was fired from his job.

Not only are workers in Ontario faced with the risk of losing life and limb, but they must suffer the further indignity of losing their jobs because of the government's inactivity. Can the Minister of Labour tell this House why Mr Cwahbra's case was dropped and the employer remains unpunished when there was clear evidence that the employer did not comply with the Occupational Health and Safety Act in Ontario?

Hon Mr Phillips: I am not familiar with the details of that case. I assumed, as with any case I have looked at, that the legal branch of the Ministry of Labour would have looked at that case and have concluded that there was insufficient evidence to proceed. I will look into the matter further, but I must say that as I have looked at the statistics for the ministry, our prosecutions actually have increased quite substantially, so that rather than leaving the impression that in fact we have proceeded with fewer prosecutions, I think actually the opposite has been the case.

But, in that specific case, I will look into the matter. I can only assume, as I said earlier, that our legal officials examined the evidence carefully and concluded that there was insufficient evidence to proceed.

Mr Mackenzie: This question was first raised in this House on 4 June 1986 when my colleague Elie Martel asked the then Minister of Labour

why two months had passed without charges in this rather serious case. The then minister, the member for Windsor-Sandwich (Mr Wrye), responded by saying, and I quote, "I do not view a little over two months to be an extraordinarily long period of time." What about three and a half years?

The company certainly does not want this disabled person working for it. The ministry deliberately stalled a well-investigated case, helping the company to achieve its goals. With the ministry and his colleagues so obviously in the company's pocket, who is to initiate prosecutions and to provide the protection that Ontario workers are entitled to and require?

Hon Mr Phillips: I find the comments rather offensive. I just took a look at the statistics. Our prosecutions have more than doubled in the last three years and our convictions have virtually doubled. To suggest that the Ministry of Labour is doing anything other than enforcing, to the best of its ability and the maximum of its opportunities, the Occupational Health and Safety Act I find rather offensive frankly. Those are the overall statistics.

1440

In that specific case, I can only conclude that our legal branch, as it does in each case, examined the evidence clearly. The member can see by the statistics, there have been double the number of prosecutions and virtually double the number of convictions. Those are the facts. In that particular case, I certainly will look into the matter, but I think we will find, as in all other cases, that our legal branch has done its work, as it does so well, and as these numbers suggest, is being successful at it.

HOSPITAL SERVICES

Mr Brandt: My question is for the Minister of Health. In view of the findings of the Stella Lacroix inquest and the very clear statement that has been made in connection with the nonexistence of a so-called hotline, recognizing that the minister shared information with this House which was contrary to that which has now been proved at the inquest and recognizing as well that one of the recommendations of the inquest is that such a hotline be established, is the minister prepared to indicate that either she misinformed the House when she shared that information with us or, alternatively, that the information the minister was given was incorrect and certainly indicated a situation that was far different than what was in place at that time?

Hon Mrs Caplan: I would very much like to commend all of the care givers as well as the coroner's jury for their fact-finding efforts. I would like to say to the leader of the third party that I have stated in this House on numerous occasions how important it is for all information given in this House to be accurate. The coroner's inquest confirmed that the information that was given to me in the letter by the Toronto General Hospital—the Toronto General Hospital stands by the information that it submitted. That information was shared in this House in good faith.

He would know as well that the inquest I think provided an important opportunity for all the facts to come out, and I think that our commitment to the establishment of regional hotlines across the province, which was announced last June, will go a long way to improve the quality and the effectiveness of care available to the residents of Ontario.

Mr Brandt: The minister did not answer the question. I guess I did not expect that the minister would answer the question.

At that particular time when this issue was relatively current in terms of the death of Stella Lacroix, the minister may recall that the Premier (Mr Peterson) said that Dr Nesdoly did not use the system that was in place. The system was not in place. The minister is referring now to steps that she supposedly was going to take back in June, preparing the province for some kind of a province-wide hotline, which is still not in place to this day.

Dr Nesdoly's reputation was called into question in this House as a result of the statements that were made by both the minister and the Premier of this province. Subsequent to that, the inquest has now indicated that Dr Nesdoly should be receiving a commendation for the actions that he took in the attempts that he made to save a life. Is the minister prepared now to do the right and proper thing and simply apologize to Dr Nesdoly for the statements that she made?

Hon Mrs Caplan: I would say to the leader of the third party, as I have said before in this House, that neither I nor any member of this government ever blamed anyone. Just because he or members of his bench say that, does not make that true. He knows in fact that we shared with this House in good faith a letter from the Toronto General Hospital and that the Toronto General Hospital stood by the accuracy of that letter in the fact-finding efforts of the inquest.

I would say further to him that I in fact commend all of the health care providers who

have provided very important emergency care to the people of this province. I will say again that I believe it is extremely important that information which is shared in this House should be accurate and I would refer him to Hansard.

The Speaker: There are other members waiting to ask a question.

GOVERNMENT SUPPLIERS

Ms Hošek: My question is for the Minister of Government Services. Every year the government of Ontario spends many billions of dollars on goods and services. In the past year, there were organized outreach programs to reach more than 2,000 potential suppliers who were small business people, to educate them about the opportunities for them to do business with the government. As the minister will know, business people within the many ethnocultural communities in Ontario are also seeking to expand their opportunities.

My question to the minister is, what specifically is his ministry doing to help entrepreneurs from this sector have an equal opportunity on government contracts?

Hon Mr Ward: As the member will know, purchasing from the Ontario government is very significant indeed, totalling some \$2 billion annually. Over the course of the past year and a half we have undertaken a very extensive exercise to try to make entrepreneurs throughout this province more aware of the opportunities that exist in terms of selling to the Ontario government.

Recently we have undertaken seminars entitled, "How to Do Business with the Ontario Government." These have been held in virtually every region of the province. We have had an overwhelming response. Some 2,500 business people have shown up, and we have placed ads not only in the local daily papers but in the ethnic press as well in an attempt to reach all corners of the business community throughout Ontario.

The Speaker: Perhaps before I ask for the supplementary, I see there are two conversations going on very close to the minister. It might be helpful if—thank you.

Ms Hošek: Is there a way in which the businesses and the ethnocultural communities can have better and more frequent access to the plans of the Ontario government in this area?

Hon Mr Ward: Yes, there is. The ministry is currently in the process of compiling a centralized list of all government suppliers. In the coming year we will be contacting all media,

including the ethnic media, to ensure that all businesses are aware of this list and to ensure that everyone has equal access to it.

WINDSOR AREA ECONOMY

Mr D. S. Cooke: I have a question to the Premier who is not here, so I will ask the question to the Deputy Premier, who is also in charge of Ontario's economy. I am sure that the provincial Treasurer saw the unemployment statistics last week and will have noted that my home community, Windsor, has now an official unemployment rate of 9.6 per cent, nearly 10 per cent, nearly double the provincial unemployment rate, and we are a community in southern Ontario.

I would like to ask the Treasurer, what is this government's response to the unemployment crisis that exists in Windsor, the plant closure crisis and the downturn of the auto industry? What is he prepared to do now to avoid the kind of depression that we had in that community in the early 1980s?

Hon R. F. Nixon: I think the honourable member would want to know on a broader basis that the same report that brought forward the statistic that he is referring to, which is a very serious level of unemployment indeed, indicated that on a net basis in Ontario in November we gained approximately 5,000 new jobs and that this is the seventh consecutive month when there has been a net gain in employment. The figure that was provided for me as Minister of Economics was that this year so far there are 87,000 new jobs in Ontario, compared with the same period last year.

That is not much comfort to the honourable member who is speaking for Windsor. I can simply say to him that we feel that the downturn in certain aspects of the automobile market is a matter of concern there and in other centres as well. As usual, Windsor being the automobile town traditionally and historically, it is bearing the brunt of the early circumstances.

If the member wants me to talk about the various programs of the government for training and retraining and for assisting in the strengthening of our competitive position vis-à-vis other states and other jurisdictions, I would be glad to do so.

Mr D. S. Cooke: I am sure the people of my community will not be interested in hearing about how large parts of Ontario are prospering, namely, Metropolitan Toronto and the Golden Horseshoe, and communities like Windsor are not sharing in that prosperity. We have not for the

last number of years, and the minister's answer has just simply reinforced that.

1450

Why does the minister not use the power of government to help a community that is not prospering during this time in Ontario and avoid the millions of dollars of cost and individual circumstance, health problems and all the rest that come about with the recession by moving in now and helping us to diversify our economy? Is the minister prepared to go down to Windsor and meet with community officials and look at some of the public sector jobs and see if some of those jobs can be increased in our community to help us diversify our community?

Hon R. F. Nixon: I think the suggestion put forward by the honourable member to make the basis of diversification giving a greater emphasis to the provision of public sector jobs is a good one. It is the sort of thing that we used, I feel, as a government quite effectively when many communities in the north were suffering from a very slow reaction to economic restrengthening. It is obviously one of the things that has to be given very careful and positive consideration.

AUTOMOBILE INSURANCE

Mr Sterling: I have a question of the Attorney General. Last November 17 he was at a legal conference in Mont Ste Marie, Quebec, with many of the members of the legal profession from the Ottawa-Carleton area. While I am a member of the bar of the Carleton area, I get quite enough of the Attorney General here and did not attend that conference. But I do wish that I had attended that conference because evidently he said about Bill 68, the no-fault insurance bill, that it provides, and his words were, "worse coverage than that which is available under the current automobile insurance system."

My question to the Attorney General quite simply is, how can he support Bill 68, the no-fault insurance bill, when he himself has admitted to the bar in eastern Ontario that it does not serve the public interest in a beneficial manner?

Hon Mr Scott: I am delighted to be here to answer that question and I am delighted that the honourable member has asked it of me because that is not, as I recall, an accurate account of the impression I intended to convey. The point I was making, which is a point that has been made frequently by the minister in this House, is that in order to deal with the insurance prices, the selection of a threshold system of insurance was the development of a new kind of policy. Many

of the benefits under the threshold policy, under the government's plan, are in fact a significant advance on benefits that presently exist under policies of insurance in the province.

What I was trying to say was that the threshold scheme was a different kind of insurance scheme, as it clearly is. I am very grateful that the honourable member asked me the question so I can correct that. I should say to the honourable member that he does not only miss the meeting at Mont Ste Marie when I am there or he would have been there on previous occasions. I understand he hardly ever goes at all. I have been there for the past four or five years. I have never seen him.

Mr Sterling: I do not have the expense account, the limousine, the car and driver to take me up to Mont Ste Marie and spend a weekend at the taxpayers' expense.

The Attorney General is telling us that with Bill 68 in place, no one in this province will be denied coverage or will be dealt with in a worse manner than he is at present under our automobile insurance system. He is saying that everybody is going to be as well off as he was under our existing system, whereby anybody who is hit in an automobile can utilize the courts in order to seek compensation. Is that what he is telling us?

Hon Mr Scott: While we are on the subject, I understand that the honourable member used to miss the Mont Ste Marie meetings even when he was a minister. I was anxious to go this year because I wanted to pay tribute to him before his peers in the Ottawa Valley for the important help he gave us in the courts of justice bill, for which we are very grateful. But as he was almost unknown in the community, not having been at the meetings for so long, when I spoke well of him, there was some question of who he might be. But I did make it plain, that he was a devoted servant of the public of eastern Ontario.

The Speaker: And the response to the question might be?

Hon Mr Scott: I did not make plain the answer that the honourable member would want to put in my mouth because it is not what I intended to say. What I intended to say, in a full and thoughtful discussion on all sides of the government's plan, was that the threshold scheme which has been adopted in many American states and is something short of the scheme that the regie has in Quebec, is a new scheme which contemplates a new kind of insurance policy which we believe will serve the public well. That is the plan that the government proposed and to which I was speaking.

VIOLENCE AGAINST WOMEN

Mrs O'Neill: My question is for the Minister without Portfolio responsible for women's issues. Last Wednesday, 6 December, at the University of Montreal Ecole Polytechnique, 14 women were brutally murdered in an extreme act of violence. The women were targeted. Can the minister suggest ways in which we can ensure that such a senseless act of violence never takes place again?

Hon Mrs Wilson: Today, on this day of the funerals in Montreal, we must each be asking ourselves what we can do. We must work to change society's attitudes towards women. Changing attitudes begins with understanding. We must understand the context in which this extreme act of violence targeted at women happened. Our society allows and even condones violence against women. Women suffer and die singly behind closed doors in this country every day.

Mrs O'Neill: What is the minister, the person responsible for women's issues in our government, doing to eliminate violence against women?

Hon Mrs Wilson: As a society we need to work to change sexist attitudes. This government is committed to working to eliminate violence and harassment and other threats against women's integrity and safety. It is clear from the speech from the throne that we are committed to eliminating violence against women and to providing safe and secure communities for the people of this province. We are in the fourth year of a five-year strategy to prevent wife assault. For the last number of months we have had an interministerial committee working to address the issue of sexual assaults on women. I will be taking recommendations from that committee to my colleagues very shortly.

Women should not have to live in fear of violence in the streets, in our institutions of higher learning, in the workplace or in our own homes. Together, as legislators and as people who represent the women and men of this province, I believe that we can work together to make a difference.

TEACHERS' SUPERANNUATION

Mr Morin-Strom: I have a question for the Minister of Education about Bill 66, An Act to revise the Teachers' Superannuation Act, 1983, and to make related amendments to the Teaching Profession Act. The minister knows that an impasse has been reached with the various

teachers' federations in the attempt to achieve agreement on joint management of Ontario's teachers' pension plans.

With amendments under consideration in committee this week and the bill due to have final reading next week, why has the minister refused to meet with the Ontario Teachers' Federation so that a mutually agreeable joint-control formula can in fact be achieved?

Hon Mr Conway: I want to thank my honourable friend from Sault Ste Marie for providing me with an opportunity to address this most timely issue of public policy, because it is not true to say that I or any of my colleagues in the government have been unwilling or unprepared to meet with the Ontario Teachers' Federation. I, myself, in the last five or six weeks have met on two different occasions at length to hear from the Ontario Teachers' Federation about its views on this matter and at that time I made it very plain to the teachers that it was the view of the government that we would proceed as follows.

We recognize the teachers' pension plan in Ontario to be one of the best pension plans in the free world. It was a pension plan, however, that was in real trouble because the indexation that had been provided 15 years ago was very badly funded and there was now something in the range of a \$4-billion to \$5-billion unfunded liability that we as a government were prepared to accept but that we wanted to ensure that for the future this very good plan would maintain its health, would be able to meet the obligations expected of it.

I told the teachers we would offer to the committee three different plan managements and we would be very anxious to hear from them at the committee as to what their views were.

1500

Mr Morin-Strom: This minister has refused to meet with the Ontario Teachers' Federation since 15 November, during the period that the key questions dealing with the three options were being addressed. The joint management agreement is not a joint agreement if it does not have a dispute settlement mechanism in it. This government refuses to recognize that it has to give up some control in order to have a joint-control model.

When will the minister do something on behalf of the teachers of this province and give them a really negotiated joint-control model rather than being the pawn of the Treasurer (Mr R. F. Nixon) and insisting that the Ontario government con-

tinue to have absolute and total control over the teachers' pension plans in Ontario?

Hon Mr Conway: I am disappointed to have to observe that my friend, the learned doctor of philosophy from Sault Ste Marie, is strangely and completely confused on this matter because the government and I myself have in no way refused to meet the teachers. We have met countless times over the past 16 months. I repeat that just three weeks ago I met for several hours with the teachers and at that time I made plain to them that we would consider a number of options, not the least of the options being a member-run, teacher-run plan where the teachers could take complete responsibility for this multibillion-dollar fund.

I have said, on behalf of the taxpayers of Ontario, recognizing and representing the broad public interest, that if we are going to have a partnership model for governance we in government are not prepared to accept what the teachers want, which is a binding arbitration mechanism. We are prepared to consider partnership absolutely—we are quite prepared to consider partnership—but it has to be a partnership of equals where we both accept an equal share of risk and reward.

FALSE ALARMS

Mr McLean: My question is for the Solicitor General and it concerns the disturbing number of false alarms that Ontario police forces respond to. I am concerned at the high cost of false alarms and the disabling effects they have on police morale. His predecessor indicated that action would be taken to curb the rising number of false alarms and she vowed to help solve this costly problem.

Does the minister agree with his predecessor that action must be taken, and is he aware of any legislation that is on the books?

Hon Mr Offer: In response to the question, first let me indicate I am quite aware of the issues surrounding the whole question of false alarms and the cost those impose in dollar terms to a number of municipalities.

As the member will be aware, there is a report by the Ontario Association of Chiefs of Police which specifically deals with this issue and I would like to inform you, Mr Speaker, and the member, in response to his question, that we are currently looking over those recommendations and we are currently assessing and analysing that particular issue.

Mr McLean: Since the Solicitor General agrees that there should be some action taken, I

would like to know if he plans on supporting Bill 88, which was introduced in this House some time ago with regard to the legislation pertaining to alarms, if he will take the time to look at this legislation and see if it is acceptable to his government, and if it is, will he support it?

Hon Mr Offer: Dealing with the particular legislation, as the member will be aware, there are a number of issues surrounding the whole question of false alarms. Certainly those types of issues deserve a great deal of analysis and examination before any final determination is made. I would expect that the Ontario Association of Chiefs of Police would expect no less, and I expect and see it as my responsibility to act on this very important issue.

RECREATION FACILITIES

Mr Miclash: My question is to the Minister of Tourism and Recreation. There is a great amount of importance and emphasis placed on recreation centres in northern Ontario communities. Communities such as Sachigo Lake and Sandy Lake, which are in my riding, incorporate recreation into their daily activities to promote a more healthy lifestyle.

These communities depend on lottery-assisted grants to build and maintain recreation centres. Would the minister like to expand on the programs and to advise the House on the process for applying for these grants?

Hon Mr Black: I am pleased to respond to the question. First of all, each year we do allocate lottery-funded grants for both capital recreation projects in the conservation area and for providing new recreation facilities. The grant applications are processed through the regional offices of my ministry. They are evaluated there very carefully and the results of those evaluations are brought to Toronto where they are looked at in terms of both the regional level and also the provincial level.

Mr Miclash: Two of my communities, the two I mentioned—Sachigo Lake and Sandy Lake—have made application to receive lottery-assisted grants for capital recreation programs. In light of this, could the minister please respond to the inquiry regarding the anticipated date for decision of these applications?

Hon Mr Black: The staff in the Ministry of Tourism and Recreation is in the process of reviewing the grant applications at the present time. We would anticipate that early in the new year, perhaps as early as the middle of January, we will be in a position to take a final look at

those applications and, hopefully, make announcements towards the end of January.

TIMBER MANAGEMENT

Mr Wildman: I have a question for the Minister of Natural Resources regarding expenditures by her ministry, just dealing with her ministry, for the environmental assessment proceedings with regard to timber management.

Is the minister aware that the expenditure for salaries for the years 1986 to 1989 was almost \$2 million for her staff, and for travel and accommodation was almost \$5 million, and for the first six months of this year salaries are \$500,000 and travel and accommodation is \$1.2 million?

Can the minister explain what effect this very large expenditure is having on the forestry management program in her ministry, since so much staff, time and money is being spent on the EA rather than direct forestry management?

Hon Mrs McLeod: There is no question that the demands of the class environmental assessment on the Ministry of Natural Resources, particularly in the initial months of the assessment, have been fairly significant both in terms of demands on staff time, since the Ministry of Natural Resources has been the primary witness up until a very recent point in time in the environmental assessment hearings, and also in terms of the travel so that those hearings can be heard in Thunder Bay, which is an issue we have discussed in the House before.

In terms of the effect of the costs of the class environmental assessment hearing for our ministry and its relationship to our forestry management budget, quite clearly our forestry management budget last year was \$230 million. That was a high point. That money continued to be expended on our forest management. The class environmental assessment hearing information is a fundamentally important part of our future forest management decisions, including our timber production policy, so I do not consider it in any way irrelevant to the management of our forests.

Mr Wildman: At no time did I suggest they were irrelevant. The minister surely knows that we are not just talking about figures for the first few months of an EA, but rather for the first three years and for the first six months of this year.

Can the minister confirm that it appears now that the environmental assessment process will continue perhaps until the end of 1993 and that, if that is the case, projections of the figures spent so far would mean the total cost for her own ministry's budget for the EA would be over \$20

million? If that is the case, can she assure us that the recommendations of the environmental assessment process for which so much has been spent will be incorporated in the 20-year plans now being approved and finalized for April 1990?

1510

Hon Mrs McLeod: I cannot confirm the length of the hearings. The hearings will obviously continue until the point at which they feel they have heard all the evidence and made the recommendations that are necessary. I would not anticipate at this point that they would last until 1993.

I would certainly indicate that figure the honourable member has cited represents probably a peak in the expenditure for the Ministry of Natural Resources because it reflects the period of time at which the Ministry of Natural Resources was providing the primary evidence. The costs in the earlier years were quite significantly less and they are projected to be less in this year and in subsequent years of the hearing.

MOTIONS

COMMITTEE SUBSTITUTIONS

Mr Ward moved that the following substitutions be made to the membership of the standing committees:

Standing committee on estimates: Mr Henderson for Mr Neumann.

Standing committee on finance and economic affairs: Mr Faubert for Mr Carrothers.

Standing committee on general government: Mr Carrothers for Ms Oddie Munro.

Standing committee on the Legislative Assembly: Mr M. C. Ray for Mr Faubert.

Standing committee on the Ombudsman: Mr Kanter for Mrs Smith.

Standing committee on regulations and private bills: Ms Oddie Munro for Mr M. C. Ray.

Standing committee on social development: Mr Neumann for Mr Henderson.

The Speaker: I noticed a great number of members were paying very close attention to the motion by Mr Ward.

Motion agreed to.

NOTICE OF COMMITTEE HEARING

Hon Mr Ward moved that standing order 85 respecting notice of committee hearings be suspended for the consideration of Bill Pr56 by the standing committee on regulations and private bills on Wednesday 13 December 1989.

Motion agreed to.

PETITIONS

COMMERCIAL CONCENTRATION LEVY

Mr Philip: I have a petition signed by some 40 employees in the hotel industry in the riding of Etobicoke-Rexdale:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We believe that the provincial Liberal government's recently imposed commercial concentration levy tax will greatly hurt the ability of hotels in the greater Toronto area to compete with hotels in other areas. We believe that it will result in a postponement of capital investment in this area and mean a loss of jobs in the tourist industry. We call on members of the Legislature to express their disapproval of the government's actions and we call on Premier David Peterson and Treasurer Robert Nixon to rescind the tax."

I have signed the petition.

TOBACCO VENDING MACHINES

Mr Allen: I have a petition from 13 persons to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. These individuals state that the elimination of tobacco vending machines is a crucial component in a comprehensive government plan to control tobacco sales to minors and curb the onset of tobacco addiction among Ontario youth, and they ask the Minister of Health to introduce legislation to prohibit the sale of tobacco by means of a vending machine or, alternatively, require that vending machines be located only in areas legally inaccessible to minors.

I hereby submit this to the table. I have signed my name to it and agree with the propositions.

GREATER TORONTO AREA

Mr Philip: I have a petition which I understand was signed by people attending a meeting of the Elms Ratepayers' Association in the riding I represent.

"To the Legislative Assembly of Ontario:

"Whereas the Peterson Liberal government has decided to charge drivers in greater Metropolitan Toronto \$90 per year for a car licence plate while at the same time only charging residents in other parts of Ontario \$33 per year for identical licence plates;

"Whereas the same Peterson government has in this year's budget imposed other taxes and levies on the people and businesses of the greater

Metropolitan Toronto area which will not be imposed on those in other parts of Ontario;

"Whereas these taxes which are not based on income or profits hurt seniors and others on fixed incomes;

"We, the undersigned, petition the Legislature of Ontario to express to the Liberal government our great disapproval of its policies of tax discrimination against the people of greater Metropolitan Toronto."

I have signed the petition, and as with the last petition, I agree with it.

The Speaker: I must remind all members that when they are presenting petitions they do not have to—under the new standing orders, in fact, they are asked not to—read the complete petition.

REPORT BY COMMITTEE

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mrs LeBourdais from the standing committee on general government presented the following report and moved its adoption.

Your committee begs to report the following bill with amendment:

Bill 36, An Act to revise the Public Service Superannuation Act.

Motion agreed to.

Bill ordered for third reading.

INTRODUCTION OF BILL

393598 ONTARIO LIMITED ACT, 1989

Mrs O'Neill moved first reading of Bill Pr49, An Act to revive 393598 Ontario Limited.

Motion agreed to.

ORDERS OF THE DAY

HOUSE SITTINGS

Mr Ward moved pursuant to standing order 6(b):

That, notwithstanding standing order 9, the House shall continue to meet from 8 pm to 12 midnight on 13, 18, 19 and 20 December 1989, at which time the Speaker shall adjourn the House without motion until the next sessional day.

The Speaker: I would remind all members under the new standing order that there is a two-hour time limit on discussion of this motion.

Does the minister have any opening comments?

Hon Mr Ward: As all members are aware, towards the end of the last session of Parliament,

extensive discussions took place as to how we might improve the rules of operating around the Legislature. I know that certainly both opposition House leaders and the whips from all three parties put a great deal of effort into it.

During my four years here, I have noticed, as I am sure many other members have, that often when we recess at Christmas, the House has been recalled about two weeks later to work on unfinished business, much of it government business but some of it private members' business as well.

In putting together the recommendations, it was felt that it would be appropriate to firmly establish at least the days of sitting for each sitting during a session of Parliament, which was in fact done. However, there was of course a transitional period, and although this session was to have begun on 28 September and will carry through to 21 December, during the course of the transition, the House was not recalled until, I believe, 10 October. As a result, eight sessional days were lost. In addition, because of the federal New Democratic Party convention, by unanimous consent, the government most willingly agreed that the House would not sit on one Thursday. So members will know there was something like nine lost days during the current session.

1520

However, since there has been tremendous co-operation around here and since we have been moving quite quickly, we find that it is not necessary to use all of the additional time provided for in the standing orders, that being eight night sittings at the close of each session. We feel it is appropriate, though, that we do sit the four nights that are indicated so that we can complete the bills that are on the agenda before the Christmas recess.

I look forward to the comments of my colleagues from the opposition parties, but I am sure they will be the first to admit this is a most reasonable proposition that will ensure that the essential bills of the government be completed before the recess.

Mr D. S. Cooke: I am not going to speak for two hours, so I do not have to worry about the rules coming into effect and cutting me off, but I do have a few comments to make about this since this is the first time we have proceeded under this rule, the new rules having just been in effect for this session.

I think it is going to be important for the government to review the planning that has gone into this session, or in some cases the lack of

planning that has gone into this session, and why it has become necessary for us to use this rule, which I would hope would not become the normal course in the last two weeks of every session.

If we have a well-run and well-planned House, we should be able to avoid evening sittings, and I think we should do that to the best of our ability. Sitting up until midnight for two weeks straight before Christmas, at the same time as this is a very busy season back in our home ridings, is not a very healthy process to follow in this place. However, this was part of the give and take under the new rules. We are not going to oppose this violently, but I do think some review is necessary.

I saw a lot of legislation this session come in very late and very close to the two-week deadline, even though I know that ministers were very much aware that this legislation was going to be coming down the line. In particular, the biggest offender is the Ministry of the Attorney General. If I were a minister, I suppose I could look at the process under the new rules and plan to bring in legislation close to the deadline and try to avoid full debate on the legislation because the government can impose the rules and make us sit until midnight, saying, "Either you pass it quickly or you sit for the last two weeks every night until midnight." I think there is evidence to indicate that some ministers have used this section of the rules to avoid full and democratic debate.

I think there was also an effort by the Minister of Financial Institutions (Mr Elston) to use these rules when he wanted to try to avoid public hearings on the insurance legislation. The government knew the opposition parties wanted full and complete public hearings, with some travel across the province, to get input from the voters in this province on this very important piece of legislation which will dramatically change the way insurance is provided to drivers across this province.

Its first plan was no public hearings, and the bill had to be passed by 21 December. It knew very well that it could enforce that with the rules that exist for the last two weeks. In that particular case the government House leader intervened, I think with good common sense, and achieved some plan to bring about public hearings, both a couple of weeks before Christmas and four or five weeks after Christmas, with some hearings across the province.

But I think that the government House leader is going to have to be very careful. He is going to

have to make sure his cabinet ministers are not abusing this section of the rules.

I was going to say we are prepared to sit evenings for the next couple of weeks. We have no alternative but to sit for evenings in the next couple of weeks. However, we will not debate this motion at length. We want to give this a try. We want to see that the integrity of the calendar is respected by all three political parties, and we are certainly very much interested in seeing the legislative calendar work.

I do look at reviewing the government must-have bills that were submitted to us only a few weeks ago, and I think a case could be made that many of these pieces of legislation have not been before the Legislature long enough; many of them were introduced late to try to avoid full public hearings.

I would hope that when we get to this same type of time period in June that the government House leader will be a little tougher with his cabinet colleagues and make sure they are not abusing the rules, because I can tell him that if the rules are abused, we also have some actions that we can take under the new rules.

If this becomes the norm rather than the exception, I think the opposition parties will certainly rebel because we are not going to see legislation go through this place without the proper scrutiny. Our job here is to hold the government accountable, to have full debates on legislation so that we know all the consequences of the legislation that is proposed and so that the public has an opportunity to understand the government proposals. We intend to carry out those responsibilities; we take them very seriously.

We will not be supporting this motion. We will be voting against it. However, we are not going to drag out this debate; we will carry on. I hope that come the spring session, we will get started on the appropriate date as spelled out by the calendar, not late as was the case this fall, and that we will have a better-planned session to avoid midnight sittings come June when the spring session will come to an end.

Mr Harris: I too want to take a few minutes to talk about this motion, which in essence is a motion from the government House leader expressing complete and total failure to manage the affairs of the House in an organized, logical and proper way throughout this particular session.

It is a motion that has been brought forward at the first available opportunity to say: "Look, we kind of blew it last spring. We should have done

the tax bills, as we know should be done right after the budget." I do not blame the current House leader for that; he was not in the position at that time. But since he has the job now, he has to take total responsibility on behalf of the government for all the floundering that has taken place over this past session and, indeed, over the past number of sessions. Clearly this government has very little sense of how to run the House or of what is fair and reasonable time for debate.

There is an expectation, I suggest, as the famous Greek proverb goes, that the fish smells from the head on down. I suspect that it starts with an attitude of the Premier (Mr Peterson) that is: "We have a majority. Let's see how much stuff we can jam through. Let's allow no time, or very little time, for debate unless they squeal real hard. And let's not have hearings unless we are forced into it. We don't want to hear from the public unless we are actually forced into it, and then at that point we'll come out and say, 'Yes, let's have hearings,' and pretend we were good guys all along and wanted them."

We have seen this time after time after time with pieces of legislation over the last couple of years. But even the House leader's comments today suggest this attitude has not changed, even though we have new rules now where we have all agreed to try to have this Legislature and this chamber operate in a more efficient manner, to try to set out the parameters for how we will conduct the business, as opposed to the actual business itself, and regularize it. I think it was the hope of some of us that we might improve the decorum of the Legislature as well. Unfortunately we had not counted on the Attorney General not recognizing that improving the decorum was in fact a priority, so that has not been the case at this particular point in time.

1530

The House leader for the government today said, "We've wasted nine days." One of those days was for the New Democratic Party convention. I do not think that was a waste. We would never have heard Simon de Jong and the history that he wrote for us and for all politicians, one that I am very sensitive to. I can tell members, as my party heads into events this spring, that I appreciate having the opportunity to see how things should be done, as I thought the New Democratic Party nationally did some things very well, and how some things should not be done. So I do not consider that a wasted day.

I assume the other eight wasted days he is talking about are opposition days.

Hon Mr Ward: No.

Mr Harris: He said nine wasted days. I do not know where he gets the other eight wasted days, but the attitude of the government, starting with the Premier, is that anything the opposition wants to talk about is a wasted day, that any time the public wants to have some say that is a wasted day. That is how this administration has viewed public hearings. It is indeed that attitude that bothers us. It is an attitude, from the Premier and the cabinet on down, that says:

"What the opposition has to say, what it wants to put forward on behalf of the people of Ontario as priorities is wasted time. The only thing that in fact is meaningful is what we want to do, our 94-seat arrogant majority. Whatever we want to do is important. Whatever anybody else wants to do is wasted time."

On the very first opportunity, at the very first chance, the government has had to move an extension of the time, and for the maximum time allowed, I might add, right through till midnight, although I guess it skipped a couple of days. Certainly, on behalf of my party, the deputy House leader was just chatting with me as we looked at the motion and he said: "Why not the 21 December? We're willing to sit right through on 21 December as well." But I do suggest to members that was the deputy House leader who said that. I wanted to reflect his views for the benefit of the House as well.

But to automatically expend all this time? When we look at the business, a lot of it is tax bills which any efficient government would have debated right after the budget. Normally you bring in a budget and then you debate the tax bills. When I say "normally," that was just for 200 years. The last four years that has not been the case. This government has brought in a budget and said: "Look, we've hiked taxes again, in another 15, 16, 18 areas. Let's try to downplay this. We'll go on to other things."

I suspect they may even have brought in Sunday shopping in a very contentious way just to take attention away from the massive tax increases that were there. I am not convinced that was not a designed strategy to say, "Look, 99 per cent of the public really detests the way we're handling this Sunday shopping. They all know we're bad guys and we didn't have enough guts to make a decision, so let's have a strategy to have the opposition talk about that and then it will focus attention away from all these tax grabs and all these tax hikes."

I do not know what the reason is, but it was, I guess, to try to get the public, shortly after the

budget—"We won't debate the budget bills while they're mad. We'll wait till we get close to Christmas and then we'll see if we can sneak them all in and do them all towards the end."

I suggest this, and I think it is important that I do put a couple of these things on the record, because the current House leader for the government just took over this fall. However, there will be a budget, we presume, next spring. No longer can he say, "It's not my fault that the former House leader made mistakes."

Hon Mr Ward: I never said that.

Mr Harris: In fairness, I do not want to give the impression he has said that; he has not said that. I have said that and I stand by it and I am pleased to stand by it. The former House leader was a disaster when it came to organizing the business.

But this House leader is going to have to learn from some of those mistakes that took place, so that next December we are not sitting here with a whole bunch of tax bills, so that we get on with the tax bills, with the estimates and with the important business of scrutinizing the public spending, which in my view is one of the most important things that we are elected to do. We are elected to look at the spending priorities, we are elected to make sure that the money is being spent efficiently, that the taxpayers are getting fair value for that money which we tax and take out of their pockets, supposedly on their behalf.

When we look at the legislation before us, I would suggest that none of it, or very little of it, has to do with some of the basic infrastructure decisions that have not been made by this administration. We are now five years, I suggest to members, behind on making decisions on sewer, water, garbage, schools and hospitals, which are all the reasons why land is sky high and there is a shortage of housing. They are the reasons why we are short of hospital beds and there are lineups in the health care system. It is the reason why we are having problems, double the number of portable classrooms. This administration does not want to allow time to look at some meaningful discussions of some very serious problems that are facing us in the environment, in education and in the basic infrastructure that this province has.

Quite frankly, we think that this motion could have been avoided with proper planning. We of course will make ourselves available until midnight, if necessary, on the days requested by the government House leader should this motion carry, which I suggest may be in doubt after all members of this House have heard the concerns

of the House leader of the New Democratic Party and myself. But if it carries, we will certainly make ourselves available, as we do, to protect the taxpayer.

A lot of these are budget bills. A lot of them are leftovers of unilateral decisions that are being taken with regard to lottery funding and are affecting the recreation and culture groups. A lot of them are unilateral decisions that were made with respect to teachers' pensions, unilateral decisions that were made with respect to Ontario Public Service Employees Union pension money. It is incumbent and in fact it is our duty for those of us in opposition to point out just how wrong this government is, not only in the direction that it is going in, in the big-spending direction that it is going in, but in fact in the mechanics of how it is going about it.

So my caucus will oppose this motion and suggest that it would not be necessary had there been planning and an attitudinal change. An important part of the legislative process is an examination by the opposition, and by the public, of what it is that the government wants to do.

I close with this, that the House leader for the government reflect on the disastrous number of bills that have been brought forward by his colleagues, some requiring hundreds of amendments, some requiring a total rewrite, that he reflect on the absolutely disastrous pieces of legislation that would have been passed had we not insisted on hearings on some of those, had we not insisted on taking the time. I ask the government House leader to reflect on that.

When he talks about his attitude at any time that is time for the public or for the opposition or for anybody who does not agree with what it is that some of these ministers want to do, let him just think of the disastrous pieces of legislation that would have been passed had we left it to the ministers to draft the bills. We may disagree with the intent of a bill, but even the minister very often, in trying to put forward his intent has been sometimes led, after public hearings and extensive review by the very talented group of critics on this side of the House, to 20, 30, 40 or 50 amendments on a single piece of legislation.

1540

With those few short remarks, my party does not plan to support this motion which, as I said at the outset, is: "Hey, we couldn't run the House very well. We need extra time at Christmas time." That is what, in effect, the government House leader is saying by bringing forward this motion.

Mr Sterling: I felt moved to enter the debate because of the very excellent speech given by our member for Nipissing (Mr Harris).

I thought it was extremely interesting that one of the bills we have in Orders and Notices for today is Bill 69, An Act to amend the Courts of Justice Act. Within that piece of legislation we have 10 sections. This bill was not introduced very long ago. We have been talking about no-fault insurance and tort reform for years and years, but just to exemplify the amount of time that this government wastes in this Legislature, I would like to point out that I received from the very able parliamentary assistant just a few minutes ago nine amendments to the 10 sections of Bill 69. Now, is that not a well-thought-out piece of legislation, a piece of legislation which has been in the making for, I believe, over two years, since the Osborne report was first produced, two or three years?

We now have a bill which this government is putting forward to be the law of Ontario. They are expecting the people to have confidence in the laws they make when in fact, before we even have second reading of the bill, they have got nine amendments to 10 sections. That was the case with Bills 2 and 3, which dealt with court reform; there were 71 government amendments to those bills before they became the law. At the very last, we had a bill to amend the previous bill, which had been passed only 10 days before.

What is happening in this Legislature is not a stall by the opposition parties to any good government legislation. What we become frustrated with is the lack of forethought as to what they are putting forward and quite frankly we have a fear that many of these laws which are being passed in this Parliament have not been thought through properly and will boomerang, as the Sunday closing laws have just so recently done.

I want to say that when we were negotiating the change to the standing orders never did I believe that in the very first year the government would have to exercise its option to utilize these extra hours at the end of the session. I thought that with the very long session that we had in the spring, ending in the latter part of July, that with coming back earlier than we normally did, around 10 October, because all of the other time had been eaten up by committees, and that with the fact that we did not take off the constituency week when we were supposed to go back and work with our constituents in November, this government would have had its legislative business in order, but no, that is not the case.

So we will be sitting here later this week for a four-hour period from eight to 12 at night and we will be sitting three nights next week from eight to 12. For those of us who had the privilege of sitting here at night before the rules were changed in and around 1985, I do not look forward to great progress during those evening sittings. This is an admission of a lack of management on the part of the government in putting forward a thoughtful legislative program which we could have dealt with within the normal hours given to this Legislature.

Many bills are being sent back to the committee of the whole House in this Legislature, having to be dealt with by the committee of the whole House because the ministers and the Liberal majority on all of the committees are acting in an arrogant manner. They do not want to listen to opposition amendments, they do not want to listen to the public and therefore we were spending endless hours in this Legislature unnecessarily.

Therefore, as the member for Nipissing, the House leader of my party, has indicated, we will oppose this strenuously. It is a sad tale about the new rules that they have to be used to this extent this first time through.

Mr Hampton: I did not intend to participate in this debate initially. However, I am moved to participate in it when I see what we are expected to do in this Legislature today. There are a couple of bills on the order paper, Bills 69 and 70. One would think that if we are dealing with legislation which refers to the Courts of Justice Act, which is going to amend the Courts of Justice Act, and one that is going to amend the Evidence Act, the government would have had its legislative direction well set out and that we would have come here and would be able to debate the bills in substance.

Instead, what do we find? Well, I get to my desk and I find 10 amendments. Here we are in second reading and the government is introducing 10 amendments to these bills. We are expected, having received the amendments on our desks today, to show up here and debate in some sort of positive manner, to have some positive input on this proposed legislation and to make it better legislation. That is simply not possible, it is simply not at all possible.

If the government wants to get legislation through this House, then the government should get its act together. The government should not show up here with last-minute efforts and say, "Give us this, give us that." If this was only an isolated incident, we might not complain so

much, but we went through this charade with the teachers' pension bill as well. Was it 100 amendments? The legislation is introduced, then they introduce it again with 100 amendments and they expect this Legislature to simply rubber-stamp it.

What is happening here, in my view, is an abuse of this Legislature, and in that sense it is abuse of the people of Ontario. This government is starting to behave as if it is some sort of oligarchy, as if the few who sit in cabinet will tell everybody else in the province what they can do, when they can do it and how quickly they will dance. If this government has any respect for democracy, it would have its legislative timetable planned and organized so we would not have to be dealing with amendments like this on what amounts to an emergency basis. And then, because the government still cannot get its act together, we have to sit evenings so that the government has more time yet to get its act together.

This is quite simply a farce. The government has a responsibility to this Legislature and to the people of Ontario to sit down and plan its legislative agenda, to look at the details, to consult and to ask some difficult questions, so that every time we deal with a piece of legislation we are not faced with: "You have to accept all these amendments without having seen them, without having had a chance to confer on them, without having had a chance to ask any questions about them. You have to accept them on our faith." We should not have to do that and we should not have to rush stuff through either.

As I say, I think this is an abuse of this Legislature and I think it is an abuse of the people of Ontario. It is a very, very sad day. Just because this government has a majority, it now feels that it can do whatever it wants, whenever it wants and to whomever it wants. I say we will oppose the motion and we wish this government would get its internal act together so that it has some idea of what it is doing and the rest of us do not have to run around trying to compensate for it when it does not know what it is doing.

1550

Hon Mr Ward: I listened very carefully to the comments of the members of the opposition and I can see that clearly a consensus is developing in support of the motion.

I just wanted to point out, though, in response to the comments made by the member for Rainy River (Mr Hampton), that he will be aware no doubt that this House does in fact operate under rules that are developed by consensus and not by

imposition. The current standing orders do make provision for additional sitting time at the end of each sitting of each session.

He will recall that over the last several years now it has been necessary for the House to reconvene shortly after the Christmas break, usually the second week of January, for additional weeks of sitting in order to complete a very busy legislative agenda.

Mr Hampton: It was the auto insurance bill we sat on last time. What happened to it?

Hon Mr Ward: It is true that we have a very busy legislative agenda because, after all, the member will know that this is indeed a very activist government.

Mr Hampton: We were recalled for three weeks to deal with the auto insurance bill. What happened to that bill?

The Deputy Speaker: Order, please.

Hon Mr Ward: I would suggest that the member take a look at the progress that has been made even during this sitting. Very substantial court reform legislation has moved ahead—

Mr Hampton: Tell me what happened to the auto insurance bill. Where did the last insurance bill go?

The Deputy Speaker: Order, please.

Hon Mr Ward: —through two readings and royal assent. We have made very significant progress in finally abolishing OHIP premiums in this province. We have worked very diligently and aggressively to provide for better security for public pensions within this province, and the list goes on and on.

The member will know that even in terms of auto insurance, this Legislature has given approval in principle to a bill that will make very fundamental and substantial changes. As I say, much of this legislation has been around for a while. Members will know that the House's business is ordered on the basis of consensus.

Mr Hampton: What happened to that auto insurance bill we were recalled to deal with? It was so urgent and had to be passed.

Hon Mr Ward: My friend the member for Rainy River, as a matter of fact, will be interested to know that one of the reasons that we have not been able to deal with Bill 153 is because although the bill was introduced some nine months ago, his party has not caucused it and does not yet know its position on that.

Mr Sterling: Why is he stalling? Why is he stalling the Legislative Assembly?

Hon Mr Ward: We work these things out together as House leaders, as the member for Carleton will know.

I think it is a responsible and modest proposal that we complete the business that we have begun this session and I think we can do so over the course of the next six or seven sessional days with a little extra time in the evening. Therefore, I move government notice of motion 24.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

COURTS OF JUSTICE AMENDMENT ACT, 1989

Mr Polsinelli, on behalf of Mr Scott, moved second reading of Bill 69, An Act to amend the Courts of Justice Act, 1984.

Mr Polsinelli: I am pleased to bring forward for second reading today Bill 69, the Courts of Justice Amendment Act, and later Bill 70, the Evidence Amendment Act. These bills contain amendments that will make our tort system better, fairer and more efficient in its treatment of those who have suffered injuries.

With respect to prejudgement interest, the amendments contained in the Courts of Justice Amendment Act will standardize the period for which prejudgement interest is available and provide two rates at which it may be calculated. Interest on pecuniary loss will be calculated at the bank rate, while interest on nonpecuniary loss will be calculated at a discount rate provided by the rules of civil procedure. These changes will inject prejudgement interest calculations with more fairness, neutrality and predictability.

With respect to structured settlements, the Courts of Justice Amendment Act provides the court with the power to impose a structured settlement on the parties in appropriate circumstances. In the current system the consent of the parties is required. It is our hope that the proposed amendments will increase the use of structured settlements which are well known for their ability to avoid the need to gross up damage awards merely to pay income tax that accrues on an investment.

The Courts of Justice Amendment Act and the Evidence Amendment Act provide reforms that will streamline the litigation process and facilitate the use of medical expert evidence at trial. The Courts of Justice Amendment Act will also

provide defendants with the ability to make advance payments to a plaintiff in certain circumstances before a court determination of liability. This power is currently available in cases involving automobile accidents but is not available to defendants in other causes of action. The proposed amendments will redress that inadequacy.

Finally, I would like to take this opportunity to thank those members of the bar and others who took the time to comment on the two bills between first reading and second reading. Consequently, I will be introducing about nine amendments when we get to committee of the whole in dealing with Bill 69. Five of these amendments are not substantive, but technical in nature; the others are merely helpful suggestions that we believe improve the readability of the bill.

Mr Hampton: I want to begin my comments by saying that in general we support Bill 69, An Act to amend the Courts of Justice Act. We think that many of the amendments that have been brought forward by the government are long overdue and will be helpful in making the court process a better one, a more understandable one to all who depend upon that process.

In terms of the general flavour of the amendments that the government is bringing in to the Courts of Justice Act, we support them. However, I want to say just a bit about the manner in which the government has proceeded and what I think this means for the litigation process in this province and for those numerous people who depend upon the court system in this province to resolve disputes and to generally provide for an orderly system of conflict in the province.

It is fair to say that there are literally hundreds of thousands of people out there who depend upon an orderly court system in order that they can solve their disputes quickly and in order that they solve their disputes in some sort of predictable fashion. Having a court procedure and substantive law that is known and that is predictable is an important element in our society.

Because of the way the government has proceeded not only with Bill 69, but also with Bills 2 and 3, one of the things that we are hearing repeatedly from members of the bar is that the element of predictability and the element of clear conflict resolution or the capacity to resolve conflicts clearly and quickly is at risk. Not that when this process is finished there will be chaos there, but in the government's rush, and if I may

say, in the government's disorganized rush to implement Bills 2 and 3 and now Bill 69, there are a great number of people in the public and even more seriously perhaps a great number of people who practice at the bar who are wondering what is going on here.

To give an example, I spoke with a member of the bar last week. He works for a large firm here in Toronto and he is part of the litigation section of that firm, and I asked him how solicitors in that firm and other firms that he is aware of were looking forward to the enactment and finally the administrative going forward of Bills 2 and 3 and Bill 69, and for that matter, Bill 70.

1600

His response to me was: "Well, when the final product is there, we think it will be a good one. But what we are getting now is a lot of uncertainty as to when things will go into force, when things will be acted upon administratively, how quickly we will have to make changes, what changes we will have to make and so on."

So what is happening is that the government, by choosing to proceed in the manner in which it is, has created a lot of uncertainty out there and, I would say, a lot of anger among some people who will have to practise with this legislation, and certainly quite a lot of confusion and insecurity.

I think what it says sends us a very important message about this government and it sends us an important message about this legislation. This government does not consider itself to be the servant of the people of the province; it does not consider itself to be that at all. This government thinks that it can do whatever it feels like on whatever schedule it feels like following, in whatever order it feels like following, and everyone else has to adjust; that it can do whatever it wants, whenever it wants and to whomever it wants, and everyone else has to move.

That would perhaps be acceptable, that would perhaps be tolerable if we were dealing with an institution that was of less importance to Ontario society than the institution we are dealing with here. The Courts of Justice Act is for all intents and purposes the constitution of our court system in this province. It specifies the powers of different courts. It specifies the procedures of different courts. It specifies the powers of different judges, how they shall be appointed, what they can do and so on. We should not underestimate what we are dealing with here. This is, to all intents and purposes, the constitu-

tion of our court system in Ontario. Yet what do we have?

We have had Bills 2 and 3 introduced, and when Bills 2 and 3 were in the standing committee on administration of justice—and I say this just as an example because I intend to bring it back to Bill 69—we had judges writing the justice committee letters and we had lawyers appearing before the justice committee and saying: "Wait a minute. You should consider this very carefully because part of what we are doing here may in fact be unconstitutional. You may have constitutional challenges based upon certain sections of this legislation."

What was the government's response? Was the government's response to listen, to question for a minute, to take that time? No. The government's response was to ram it through. Who cares about the uncertainty that is created. Who cares about the confusion that is created. Just ram it through. This is what the government wants. It does not matter what the Constitution of Canada says. It does not matter what convention says. Just ram it through. We are not concerned about any of these potential pitfalls or any of the potential problems that are created.

So what do we have happening here with Bill 69? Bill 69 does set out some technical changes to the courts of justice system. I remind the members again, we are talking about technical changes to what amounts to the constitutional document of our courts here in Ontario. We are going to make technical changes to the constitution of our courts in Ontario. The government may pretend that that is not important; the government may pretend that this was all just a little bit of paperwork.

I would say that any time we make changes to that piece of legislation, which is the controlling legislation of our court system here in Ontario, we are doing something very important and we ought to proceed carefully and thoughtfully and on a consultative basis, so that everyone who is concerned, everyone who may be affected by the outcome will have a clear idea where we are going and will have an opportunity to respond.

I ask, in view of Bill 69, is that happening? Bill 69 was before us. Some of us have had an opportunity to look at the salient sections. We have had an opportunity to consult on them. That is true. We have had an opportunity to raise a few questions. But then, when we come to the Legislature today, lo and behold, what is plopped on our desks for us to have a look at? A series of amendments: section 1, section 1 again, section 2, section 3, section 3 again, section 3 again,

section 4, section 7, section 8. Are these simple amendments?

Let's just have a look at some of the things that we are expected, here on the spot, to look at and to deal with. The amendment to section 1 deals with the method of calculating the amount to be included in award of damages to offset any liability for income tax on income from investment of the award. In terms of our tort system, the calculation of damages is a very, very serious thing indeed.

It is something, in fact, which lawyers will spend hours arguing about, which juries will spend hours deliberating about, which appeal courts will spend days deliberating about and which often go to the Supreme Court for final rulings. Yet we are expected to deal here today with an amendment put before our faces on the spot and simply rubber-stamp something which has widespread and serious consequences. We just rubber-stamp it and let it go on its way.

Another part of section 1 deals with the method of calculating the amount to be included in award of damages, the discount rate with respect to the rate of interest on damages for nonpecuniary loss. Mr Speaker, as someone who has practised law, you will know that you can get into a very long discussion about the discount rate with respect to the rate of interest on damages for nonpecuniary loss.

In fact, that in itself can be a whole subject of debate within a courtroom and another issue that will go on to courts of appeal: a very serious issue, not a little simple technical change but a very, very serious issue and, I suggest, a quite serious issue for anyone who gets involved with our court system in terms of a tort case. Yet again, we are expected to deal with this on the spot, put it before our very eyes and then, without any time for further consultation or questions, handle it, move along with it.

I find that, in the original Bill 69, the Bill 69 we were presented with, section 2 says:

"2. The said act is amended by adding thereto the following section:

"128a. A court, when making an award for damages for future care, shall include an amount to offset liability for income tax on income from investment of the award."

What does this amendment that was put before our very eyes today say? It says that "section 2 of the bill be struck out." Section 2 of the bill itself shall be struck out. In other words, I gather the government has totally changed its mind in terms of what a court shall look at in making an award

for damages for future care and how it shall look at an amount to offset income tax.

We have no idea what the rationale for this is, no idea whatsoever what the rationale for this is, why the government has changed its mind, and we have not had time to consult and to ask what the possible repercussions and impacts will be.

1610

I would suggest to members that if we are dealing with an award for damages for future care, and particularly we do not have to look far and wide to consider the possible scenarios here, someone who is badly injured in a car accident and will need future care all of his life, it would be very, very serious. Again, we have not had any time to consider these, to go through them in any way.

The parliamentary assistant says, "Look at the next amendment." We shall look at the next amendment. He presents us with section 3. "I move that clause 129(1)(b) of the act as set out in section 3 of the bill be amended striking out"—even the amendment that is presented is not properly worded, it is not grammatically correct, so I gather we will have to correct the amendment grammatically before we can deal with it—"by striking out 'request an increase' in the first line and inserting in lieu thereof 'requests that an amount be included.'"

I look at subsection 129(1) in the original bill, "In a proceeding where damages are claimed for personal injuries or under part V of the Family Law Act, 1986 for loss resulting from the injury to or death of a person, the court" may do a number of things.

I think what the parliamentary assistant was trying to tell me a while ago is that section 2 of the bill and section 3 of the bill were tied together. That may be, but operating on the amendments that we have in front of us in the bill and then operating on the amendments that have been proposed today, that relationship is not at all clear.

Once again, we are expected to deal with this today and handle it all just so this government can get its way.

Let's move on because, after all, these things deserve some attention and I think it is incumbent upon the opposition to give them some attention because I do not think the government will.

There is section 129 of the act. As I said, section 129 deals with part V of the Family Law Act where someone has been seriously injured or someone is deceased and where someone else in the family wants to make a claim under the

Family Law Act based upon that injury or that deceased.

The government now wants to add, under section 3, to section 129 of the act: "I move that section 129 of the act as set out in section 3 of the bill be amended by adding thereto the following subsection:

"(2a) In considering the best interest of the plaintiff, the court shall take into account,

"(a) whether the defendant has sufficient means to fund an adequate scheme of periodic payments;

"(b) whether the plaintiff has a plan or a method of payment that is better able to meet the interests of the plaintiff than periodic payments by the defendant; and

"(c) whether a scheme of periodic payments is practicable having regard to all the circumstances of the case."

Those are, on the face of it, something that we might like to consider, but if we look at the initial bill that was presented to this House, none of these concepts is even presented in that initial bill. How can it be said that these are mere technical amendments if the concept itself did not appear in the bill? In other words, we are asked to do something conceptually different and conceptually new from what was existing in the bill previously.

We can go on.

The next amendment to section 3 says: "I move that section 129 of the act, as set out in section 3 of the bill, be amended by adding thereto the following subsection:

"(4) If the court does not make an order for periodic payment under subsection (1), it shall make an award for damages that shall include an amount to offset liability for income tax on income from investment of the award."

Maybe this is trying to do what the government wanted to do back in section 2 of the bill. Maybe it is trying to do that, but I would suggest, following in the context that it follows from—that is, coming under a totally different section, a section where at least three or four different concepts are being discussed—it is not at all clear what has happened. So we go on.

Another amendment, section 4: "I move that subsection 130c(4) of the act, as set out in section 4 of the bill, be amended," and again, this amendment that we have here that has been presented today is grammatically incorrect. Are we going to correct the amendment? Are these things being done in such a slapdash, haphazard fashion that the government cannot even get the amendments grammatically correct? Do we have

to correct them in this House before they make sense?

The amendment that is proposed today to section 4 is grammatically incorrect, so it is difficult to say exactly what it means. It is especially difficult to say exactly what it means when we place it in the context of an act, the Courts of Justice Act, which deliberately tries to be very precise about what it is setting out. Again I say to members, if we are dealing with the Courts of Justice Act, the constitution of our court system here in the province, members would think the government would want to be very exact with the language of the amendments it proposes. They would certainly want to be assured that what we are getting is grammatically correct, but it is not even that.

Let us try to work through this proposed amendment to see what it does mean. It says: "I move that subsection 130c(4) of the act, as set out in section 4 of the bill, be amended by inserting after 'but' in the second line 'shall be disclosed.'"

It says: "If a defendant makes a payment to a plaintiff who is or alleges to be entitled to recover from the defendant, the payment constitutes, to the extent of the payment, a release by the plaintiff or the plaintiff's personal representative of any claim that the plaintiff or the plaintiff's personal representative or any person claiming through or under the plaintiff or by virtue of part V of the Family Law Act, 1986 may have against the defendant."

I think if members do make those insertions they can make some sense out of section 130c of the bill, but I say again, it would really help if the amendment that we have before us today was grammatically correct so we did not have to search around for some of those words.

We can go on: section 7, section 8, amendments to all of these sections. I would say, just looking upon those very briefly, they are not in any way simply technical or paper amendments either; that placed within the context of the Courts of Justice Act they are very important amendments. They are amendments which, if we are to behave as a responsible body, we should have time to look at very carefully and we should have time to appreciate exactly what they will mean and what impact they will have. Otherwise we run the risk of having to do what this government did with its famous auto insurance legislation.

Members will remember we were recalled in January and February because we had to deal with this very important auto insurance legisla-

tion. We spent a number of hours debating it back and forth, and then, before it was even totally put in force we have to come back here and rescind it and prepare for new legislation. That is what we had to go through in auto insurance: pass a bill, and then before it is put in force come back and reverse the whole thing because suddenly the government discovers it will not work.

We cannot do that with the Courts of Justice Act. The Courts of Justice Act is more important than that. Our whole system of dispute resolution, our whole system of solving conflicts in an orderly, reasoned predictable manner, depends upon this piece of legislation. That is how important it is. So we cannot afford the situation where there are one or two or three or four months of confusion out there among those who practise, among those who are charged with administering this piece of legislation. If that is the situation that we put the province in, then we really put a lot of people out and we really do create a lot of confusion out there.

1620

We should not be doing what we are being asked to do here today. We should not be amending a bill which is intended to amend the document which is the constitution of our court system; we should not be amending it by the seat of the pants here today. We should not be flying along on automatic pilot, bringing in these amendments and being expected to understand them, to consult on them, and then finally to approve them here today. That is unrealistic. It is disrespectful of the court system, it is disrespectful of this Legislature and ultimately it is disrespectful of the people of this province.

As I said initially, I think where we will ultimately end up with this legislation, Bill 69, where we will ultimately go with it in terms of being good for the province and in terms of being good for the court system and being good for the litigation process in this province, I think we are headed ultimately in the right direction. But the confusion that will result in the meantime and the difficulty that we are asked to operate under here is something the government should not be doing.

I say this in all sincerity. Members of the government should really sit down and examine what it is that they have a problem with. Why can they not bring legislation to this House in some sort of orderly, organized, thoughtful manner? Why is it that we have to deal all the time with legislation that is brought in at the last minute by the seat of the pants? Why is it that we have to pass legislation in one session and then three or

four or five months later rescind it and then five months after that attempt to replace it? Why is that?

Does the government not have any clear idea where it wants to go? Does the government not have any clear idea how to consult and find out what the public wants or what the particular interest group wants or what the particular institution wants or needs? Has it lost that capacity to consult, to ask questions, to have a reasoned argument or a reasoned commentary and then move forward from there in some sort of orderly manner? This is getting to be pretty serious stuff and I think if the people of Ontario understood more clearly when this is happening and why it is happening and how often it is happening, they would be quite dismayed; quite dismayed indeed.

I say that we will in general support Bill 69. I do not know if we will support the amendments that have introduced today because, as I have said, we have not had the time to look at them with any serious study. We have not had the opportunity to look at them and determine what their impact may be or may not be. We will support Bill 69.

I cannot give any indication at all what we will do with the proposed amendments that have been given to us today. We will do our best with them. In fact, that seems to be what the people of Ontario will have to do. That seems to be what the court system will have to do. That seems to be what the solicitors who practise in Ontario will have to do—just do their best with this ragtag stuff that seems to come out of the system.

I think I have generally outlined our position on this. Thank you very much for the time to get our position on the record and I look forward to other comments in the debate.

Mr McLean: I wanted to comment on the member's amendments and some of the concerns he has raised, specifically the concern with regard to Bill 2 and Bill 3, which have already been passed by the government and here now we have amendments to amend these bills.

If the government could have taken some lessons from the previous government and brought in legislation that would be acceptable in the first place, that would be right, that would be proper, we would not have to spend this time and sit in the evenings debating these bills with 70-some amendments previously; if it were done properly, we could have done away with all this extra time that is necessary.

Mr Polsinelli: The member for Rainy River has talked much about doing our best. I think it is

imperative that each member of this House do his best and I think that is all we can ask of the government and that is all we can ask of the opposition. The member for Rainy River has spent much time talking about the amendments, and I would be pleased to enter into discussion with him when we go into committee of the whole talking about the amendments.

As I pointed out earlier, there are nine amendments that were the result of consultation with the bar. Five of them are fairly straightforward technical amendments and the other four aid in understanding the sections. They are just helpful suggestions.

I would also like to point out it is my understanding that it has been a tradition in this House, when we deal with justice issues and when we deal with courts and the like, that most members put aside their political differences and deal with the merits of the legislation and the merits of the proposal. It has been my experience, at least in the time I have been parliamentary assistant to the Attorney General and handling legislation in this House, that my opposition critics and all members have acted in that regard, and I respect and thank them for that.

Mr Hampton: I want to respond briefly to the remarks of the parliamentary assistant to the Attorney General. I think it is a salient fact and it is a salient point that when this bill, Bill 69, is before the Legislature, a bill which will amend that legislation which is, in effect, the constitution of our court system here in Ontario, and when this legislation is before the House, the Attorney General is not even here to comment on it, to defend it, to answer questions about it. I think that says something. I think it really says something about either how important the Attorney General thinks the court system is or how important he thinks this legislative process is.

Mr Polsinelli: Where is the NDP critic?

Mr Hampton: The parliamentary assistant asks where the NDP critic is today. He knows as well as I do that the critic is ill.

But he also knows that I have sat on committee on all this legislation and that I have been through it chapter and verse as much as he has been through it. We argued about Bill 2 and Bill 3, and out of Bill 2 and Bill 3 some of this stuff that we have here today is flowing.

I also want to say to the parliamentary assistant that I think if he reviews my remarks he will find they were made in a nonpartisan manner in the sense that we could be doing a lot more here and doing it a lot more efficiently if the government

would just get its act together in the first place. But it really looks bad when we have to go through some of this, bringing in amendments at the last minute and passing them by the seat of the pants.

1630

Mr Sterling: Bill 69 is an act, along with Bill 70, which has been directed at what they call tort reform. Many of the suggestions in Bill 69 and Bill 70 were contained in a report prepared by Mr Justice Osborne to reform our court system so that we will get speedier and more accurate settlements as a result of not only automobile accidents but any other kind of personal injury that a person in our society might suffer at the hands of another individual.

Therefore, we in this party very strongly support the intent of Bills 69 and 70. We are concerned, as the member for Rainy River has put forward, that the process which the Attorney General in particular, but also some of his colleagues, has gone through in legislation is a bit troubling. First of all, they do not seem to put enough thought into what they are presenting to the Legislature, and then when they do present it, they do not allow the correct periods of time for people to react in order to make the debate meaningful and, quite frankly, to prevent error in the legislation when it is passed into its final form.

Notwithstanding that we are politicians in this House, and I represent a different party than the governing party, there really is very little interest on my part or on my party's part to have a piece of legislation which will fail ultimately.

I see the member for Niagara Falls (Mr Kerrio) here with us today, a former minister of the crown. I know that the member for Niagara Falls is a former businessman. Perhaps he is still in business now that he has left the executive council. I think his son is involved in the business as well.

I would ask the member for Niagara Falls what he would do if he had a lawyer present him with a contract document and say: "Here it is, Mr Kerrio; this is the contract and this is what we're going to present to the other side of the argument," and then he came in the next day and he said, "Gee, I'm sorry, Vince, I have a few amendments to the contract that I have let the other side see. In fact, there are only 10 clauses in this contract, and we want to amend nine of them. Do you think that would be okay?" Notwithstanding that the member for Niagara Falls is a member of another party in this Legislature, I think even he might release that

lawyer from what he might be doing for the member for Niagara Falls. I think he is that smart a businessman anyway. Notwithstanding that, I guess that sums up in total our concern about the presentation of this legislation.

I do want to say that Bill 69, which is the one we are discussing at this time, does present some very positive changes to our court system. What it does in effect is it speeds up the settlement or the court process because it encourages disclosure, particularly of information at an early stage of the hearings, and we very much support that.

It also allows lawyers for both sides and the judge to instruct the jury as to the kind of settlements that are normally made with regard to damages as a result of injuries either from automobiles or from any other personal injury. I believe that is very helpful and very good because in that way we will not get juries striking awards which are far too high in relation to the injury and therefore forcing up the costs of the insurance, which of course has to cover most injuries. In addition, of course, it will prevent a jury from making an award that is too low and denying a successful plaintiff his new judgement in terms of what might be before the court.

I am also pleased to support the provision of the act which would penalize in some ways a person who did not disclose early on the court proceedings, and that is done by way of denying a plaintiff interest that he would normally get under the settlement provisions. It gives the judge the discretion to either lower that interest or deny the interest if in fact the plaintiff refuses to share relevant medical information with the other side. It is only through getting at the facts and getting them out as quickly as possible to both sides that you can have a decent settlement.

I want the public to understand that we are not discussing no-fault insurance today. No-fault insurance has nothing to do with tort reform. Tort reform has to do with lowering our insurance rates, and the Canadian Bar Association has said publicly that it predicts tort reform will lower the insurance rates of this province, but that would happen regardless or not if we had no-fault insurance. These kinds of amendments have been long overdue. Our party supports them and we look forward to putting them into place.

I would say to the parliamentary assistant that I think it is unwise to go ahead with committee of the whole House today, as a matter of courtesy, in terms of allowing us an opportunity to look at the some nine or 10 amendments which he has proposed for Bill 69 and I believe a couple of amendments to Bill 70. Of course, he probably

could forge ahead if he insisted, but I repeat what I was talking about before, and what the member for Rainy River was talking about before: Legislation should take an orderly procession. If there was only one amendment to Bill 69, I would say let's go ahead with committee of the whole House today, but in view of the fact that there are several amendments, it is probably wiser to leave it for another day.

Mr Hampton: I want to thank the member for Carleton for pointing out what I omitted to point out in my comments, and that is that Bill 69, in terms of being a piece of legislation, has only 10 sections to it. One of them, section 10, gives the short title of the act. The second, section 9, tells us when it shall come into force. The third, section 8, tells us when the amendments shall apply to causes of action. That means effectively there are only seven amending sections to Bill 69. Yet what does the government bring in today? It brings in nine amendments to the seven amending sections.

I believe that illustrates exactly what the member for Carleton was saying and what I was saying; that is, the government brought in Bill 69, which had only seven effective sections to it, and then because it did not do its consultation properly, because it did not ask questions, because it did not carry on an intelligent discussion with those people who have to work with, deal with and will be affected by the legislation, it has to bring in nine amendments to the amending bill. We all are made to look rather foolish when legislation comes before this Legislature and then has to be amended in that way by the seat of the pants.

I can only second what the member for Carleton has said, that if the parliamentary assistant has respect for this institution and for the legislative process, we will not go into committee of the whole now, because these amendments are much more than technical amendments. They in effect change the meat of this amending bill very much.

1640

Mr Polsinelli: It seems we just cannot win here, because there has been a lot of talk about process. If we as the government introduce legislation and then do not come forward with any amendments, we are accused of not listening. We are accused of being arrogant. We are accused of being stubborn. We are accused of having made up our minds before we introduced first reading. On the other hand, if we introduce a bill, have consultation, good suggestions are made and amendments are brought forward by

the government, then we are accused of bringing in an imperfect bill. I am having a little bit of trouble understanding this criticism.

We feel, as both opposition parties feel, that this is good legislation. Both the member for Rainy River and the member for Carleton have agreed that this is good legislation, that it is going to help the people of the province. We share that. We think it is good legislation; we think it is going to assist in the settling of all types of tort claims. We feel the benefits of this legislation should be brought forward to the people of Ontario as quickly as possible.

Accordingly, I think it is important that we go into committee of the whole today. We can go through the amendments clause by clause when we go into committee of the whole. If the members feel uncomfortable with them now, when they are introduced on the record and debated, they will find that they are very—"trivial" perhaps is not the appropriate word, but that the five out of the nine are nothing more than technical amendments to improve the wording, to change a word here and change a word there. The other four are basically along the same lines; they aid in the readability of the various sections.

I would hope that I would get the co-operation of both the official opposition and the third party in going into committee of the whole today and in passing this bill as quickly as we can so that the benefits of this tort reform legislation can be brought forward to the people of Ontario.

Motion agreed to.

EVIDENCE AMENDMENT ACT, 1989

Mr Polsinelli, on behalf of Mr Scott, moved second reading of Bill 70, An Act to amend the Evidence Act.

The Acting Speaker (Mr Breaugh): Parliamentary assistant, no comments? Is there any debate on the motion?

Mr Sterling: Bill 70 is an act to amend the Evidence Act, and it is an improvement over the present section 52 of the Evidence Act. The present Evidence Act deals with what it describes as "any medical report obtained or prepared for a party to an action"—that means a lawsuit—"and signed by a legally qualified medical practitioner." It deals with medical reports or medical practitioners. Bill 70 wipes out the present section 52 of the Evidence Act and includes the medical reports of various other professional groups, including the drugless practitioners, the denture therapists, chiropractists, psychologists and anybody else who is registered in Canada and who would be comparable to these groups.

What it does is it expands the number of medical reports which fall under the evidence rules, which is an improvement to our court system in that at the present time if you went to a doctor and got a report about your condition it would be treated differently than the report you might get from any one of these other professional health care groups. Therefore, we believe that it is an important change.

There are really no objections we can have to this bill. I only say that, and not to sound like a broken record, but the parliamentary assistant has given us again two amendments to a bill which has in effect only one section to it, and therefore it does not leave us with a feeling of a great deal of confidence in what the Attorney General's department is doing when it is presenting legislation to us.

Mr Hampton: I want to indicate the support of my caucus for this amendment to the Evidence Act. The Evidence Act is, as most members of this House know, a very important piece of legislation. If you do not comply with the Evidence Act in the course of litigation, you can sometimes wind up in a situation where you have very important evidence and you cannot get it before the court; or if you do not comply with it within the proper time limits, the whole issue which you may want to prove or disprove may take you a lot longer and may become a lot more complicated than you would wish it to be or than the court system would wish it to be.

We support the intent of the amendment, but I want to point out, as the member for Carleton has just pointed out, there is only one effective section to the bill, and that section has to be amended. There is another section dealing with transition, when these changes to the Evidence Act will affect causes of action already in process or causes of action already about to begin, and even that section of the bill has to be changed. I can only repeat again that it is very discouraging when you get a piece of legislation which deals with a very important law or set of laws affecting our court procedure; you have got the legislation, you look at it, you consult on it, you ask a bunch of questions on it. You come to the House prepared to debate and prepared to make comments on it, and then you find that the meat of the bill has already been changed by the government.

I would repeat again the comments we had with respect to Bill 69. I think if the government House leader is reasonable about this, and if the parliamentary assistant to the Attorney General is reasonable about this, we will not go into

committee of the whole today on these bills and the amendments that have just been put before us. We would instead wait until another day, perhaps even tomorrow, although that is probably too soon as well, to have an opportunity to consider exactly the import of the amendments that were placed before us today, and we would be in a better position to comment on them and perhaps in a better position to even help the government make this better legislation.

I would hope that the government House leader and the parliamentary assistant would follow our advice in these matters, although if matters proceed as they usually do, I have no doubt they will not consider our advice in any way, but so be it.

Motion agreed to.

Bill ordered for committee of the whole House.

1650

House in committee of the whole.

EVIDENCE AMENDMENT ACT, 1989

Consideration of Bill 70, An Act to amend the Evidence Act.

The Chair: At this moment I would like to list all possible sections on which members would like to make comments, questions or amendments. I have one to section 1 and one to section 2 from the government. Are there any other members who would wish to add to this list?

Section 1:

The Chair: Mr Polsinelli moves that subsections 52(2), (3) and (4) of the act, as set out in section 1 of the bill, be struck out and the following substituted therefor:

“(2) A report obtained by or prepared for a party to an action and signed by a practitioner and any other report of the practitioner that relates to the action are, with leave of the court and after at least 10 days notice has been given to all other parties, admissible in evidence in the action.

“(3) Unless otherwise ordered by the court, a party to an action is entitled, at the time that notice is given under subsection (2), to a copy of the report together with any other report of the practitioner that relates to the action.”

The Chair: Would the parliamentary assistant have an opening statement?

Mr Polsinelli: No.

Mr Sterling: Because we have only received these recently, I think it is incumbent on the parliamentary assistant to explain the changes that he is proposing. We have, as I mentioned

before, a bill which has one substantive section to it. This is subsection 2 of that. As far as I can determine, it changes it by adding some words in there. The amendment reads, “A report obtained by or prepared for a party to an action and signed by a practitioner and any other report of the practitioner that relates to the action.”

Can the parliamentary assistant enlighten me as to how that changes what was in the original Bill 70?

Mr Polsinelli: The general thrust of this bill is to facilitate the use of medical reports, rather than oral evidence, at a trial. We feel that this would expedite the whole court process. We also feel that early release of the reports to the other side is something that aids in the expedition of the matters. What this does is it basically changes the seven-day period that would be required under the existing bill for the report to be delivered to a 10-day period. It increases it by three days. It also proposes that the reports of the health professional be given with the notice.

Mr Sterling: I have a question to the parliamentary assistant. I read that this amendment he is preparing for us increases it to 10 days' notice rather than seven days' notice. I believe it is already up from five under the old act, so he has gone from five to seven to 10. But he also includes here some other fudge words. It says “and any other report of the practitioner that relates to the action.” The original words were “a report obtained by or prepared for a party to an action.” Am I to understand that the difference in the wording would mean that the original bill would have included a report which was specifically prepared for that lawsuit but what he is including here now would perhaps include a report that a patient might have had with a doctor prior to the accident? Would he care to comment on that?

Mr Polsinelli: That is not our interpretation, nor is that the intent of this particular section. The member for Carleton will see that right after section 3 it deals with reports of the practitioner that relate to the action. In effect, the defendant would be entitled to the reports, all the reports, of that particular practitioner which related to the action. If the practitioner had developed, for example, three drafts and then eventually submitted the fourth as the final copy, the defendant would be entitled to the draft copies of that report.

Mr Sterling: For instance, often the issue is how badly the person has been injured as a result of the particular incident which laid the groundwork for the particular legal action. Therefore,

evidence as to the previous health of the individual is extremely important because that is the benchmark from where he is coming. If the person was absolutely healthy and he is now injured and has a permanent injury, then you can measure that quite easily. You can go from very healthy to the present situation. But if in fact the person has had a previous injury, some other ailment which basically is also evident now but should not be compensated for, that becomes extremely important and that is always of course of very much interest to the defendant's lawyers.

How can the parliamentary secretary argue "any other report of the practitioner that relates to the action"? He is quite confident that would not include a report which had been prepared for a patient 10 years ago about his heart condition?

Mr Polsinelli: I would think that if it were held that those previous reports related to the action, then they should be disclosed. Sometimes a lawyer will get several reports from a doctor but only produce one. This section will require that all of the reports be produced. Essentially, you cannot buy a bad medical. If you go to a specialist and you have a report and you are prepared to introduce a copy of that specialist's report to substantiate your cause of action and to substantiate your claim for damages, then the other side should be entitled to see all the other reports that have been prepared by that practitioner which relate to that particular action.

Mr Callahan: I would like to inquire of the parliamentary assistant, perhaps through the officials, as to whether there should be something in this act to provide that the notice can be given by fax message, or is that already provided in the rules of practice?

Mr Polsinelli: My understanding is that the rules of civil procedure would deal with that type of request. I am not quite sure whether there are presently practice directions dealing with that subject.

1700

Motion agreed to.

Section 1, as amended, agreed to.

Section 2:

The Chair: Mr Polsinelli moves that section 2 of the bill be struck out and the following substituted therefor:

"The amendments of the Evidence Act, enacted by this act, apply to,

"(a) actions commenced but not settled or adjudicated upon before this act comes into force; and,

"(b) causes of action arising after this act comes into force."

Mr Polsinelli: The bill as originally drafted would have applied only to causes of actions occurring or arising after 23 October 1989. This was done to avoid interfering with actions already under way. This motion proposes that amendments apply immediately to all "actions commenced but not settled or adjudicated upon." We feel that since this is beneficial legislation all litigants should have the benefits of this change, which we feel is essentially procedural in nature and would assist in settling the litigation.

Mr Sterling: When the parliamentary assistant says "not...adjudicated upon before this act comes into force," would that mean that if an interim motion had taken place with regard to the action, that would be a point of adjudication and therefore there would not be a change? Where is the trip line that is involved. I am interested in knowing, for clarity's sake.

Mr Polsinelli: I guess the Ministry of the Attorney General feels that what "adjudicated upon" means is that a determination on the merits of the case by the court has been made by the presiding judge, and not an interim motion that would deal with some procedural point.

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 and 4 agreed to.

Bill, as amended, ordered to be reported.

ONTARIO LOTTERY CORPORATION AMENDMENT ACT, 1989

Consideration of Bill 119, An Act to amend the Ontario Lottery Corporation Act.

The Chair: Bill 119 has four sections. I would like to list right now any questions and comments that people may have and, if so, to which section. I just want a list right now.

Ms Bryden: I have amendments to both section 1 and section 2.

Mr McLean: I have amendments to both section 1 and section 2.

The Chair: Any government amendments?

Hon Mr Ward: The parliamentary assistant may have some.

Mr Reycraft: I have no amendments, but I would like to come forward, if I may, to the front row.

The Chair: Please go ahead. We do not have any copies of the amendments. Did you provide copies to all of us?

Ms Bryden: Yes, we did.

The Chair: Are there enough copies for Hansard and the interpreters? No? Until we get our copies back down from the photocopying service for everybody to have, is there anybody who wants to make some general comments on Bill 119?

Ms Bryden: This is a very short bill with only two sections; however, the bill is of tremendous importance because it affects our parliamentary democracy. It affects our control of the power of the purse, which the Legislature exercises over expenditures of the government party. That power stems really from the days of Magna Carta when the barons told the King that they would not provide him with funds and forces if he did not consult them on how the funds were spent. That has come down through the ages to us as the power of the purse and an important fundamental of our parliamentary democracy. This bill challenges that principle, and that is why I think we should spend some time discussing the process through which this bill has come before us and its implications.

I also point out that section 1 and section 2 cannot be dealt with separately without a sort of overall review of what the bill is trying to do. Therefore, I wish to give the history of the bill briefly and the principles that are involved.

The original Ontario Lottery Corporation Act was passed in 1974 in response to widespread demands for introducing a lottery to provide funds for the badly underfunded area of recreation, culture, fitness and sports. You might call a lottery a sort of voluntary tax, but the government's responsibility in setting up a lottery is to organize and administer the lotteries that are established in the province and to designate where the proceeds that are not paid out in prizes will go.

The initial bill made designation that the proceeds, in these words, "be available for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor." There was no other area to which the lottery funds could go. But over the years, with the development of new lotteries, particularly new interprovincial lotteries, the government took it upon itself to designate some lottery funds to other areas. They did not come back to the Legislature for a change in that original designation—and that is really what is before us today—to repeal that original designation and to substitute completely new designations.

The shocking fact is that while those new lotteries were being developed, and funds were coming in from them, the government was deciding on the allocation of those funds without consulting the Legislature. It was making the allocations by order in council or simply by making the funds available to groups which it felt should be allowed to dispense lottery funds on behalf of the government. The Ontario Trillium Foundation was one of those which was given the opportunity to dispense funds for social services and fields that were not in the original designation.

1710

Now many people think that some of the funds should be devoted to social services, but the government should have come back and obtained authority to do that before it earmarked them. This bill goes further and earmarks the funds in a completely different way than has been the practice in the past or the designation that was made in the original act. This bill will put any debate on the matter of the allocation of lottery funds beyond the reach of this House.

Those who buy lottery tickets do so because they like the excitement of a draw, but also because they feel that the proceeds that are not paid out in prizes go to worthy causes of which they approve. But the main worthy causes they know about are the designations in the original act. They do not know very much about the designations for environment or for educational work or for the Ontario Trillium Foundation.

They do not know how the Ontario Trillium Foundation was chosen to exercise part of its responsibility for allocating funds in the social welfare field. We do not believe there were any tenders for this assignment and one wonders whether a group of businessmen are the only ones who should be deciding on the rules for dispensing funds to social welfare organizations.

We think it should be possibly a more representative group of the population if the government is going to, as it were, contract out the dispensing of lottery funds for social welfare purposes. But none of this has been done in the past, none of this has been legislated, and we are faced today with what looks like an attempt by the Treasurer (Mr R. F. Nixon) to grab lottery funds and put them entirely under his control.

This is not the first time the Treasurer has attempted to grab lottery funds. In 1986 he made his first attempt by introducing Bill 38. That bill simply struck out the designation in the original bill, which I have just read to the House. That meant that the Ontario Lottery Corp was set up to

run lotteries of any kind, period, and the Treasurer and the cabinet would have the complete power to dispense that money in any way they saw fit.

There was a tremendous public outcry against Bill 38, particularly by the literally hundreds of thousands of recreational and sports and cultural organizations in the province, which were badly underfunded at that time and thought that the lottery funds that were coming in at that time in 1986 were not nearly enough to meet most of their needs.

The lottery funds had become an important source of revenue for many small groups scattered throughout the communities in this province. It became a source of hope for individuals participating in these fields where they received very little support from the community. It also helped to build arenas and other important facilities of that sort and kept many small centres supplied with recreational facilities that they would not have otherwise been able to afford.

However, Bill 38 was withdrawn by the provincial Treasurer just before the 1987 provincial election, which seemed to indicate that he was somewhat nervous about this attempt to grab control of the lottery funds. But after the government got its majority in September 1987, it was less than eight months before the provincial Treasurer introduced Bill 119, his second attempt at grabbing lottery funds.

I am very shocked at the Treasurer, with his long record in this House as both Leader of the Opposition and as a member of the Liberal group when it was in opposition generally before the change of government in 1985, because he is really attacking the principle of control of the provincial funds by the Legislature. I am sure he did not support that when he was in opposition.

I am shocked that he would urge a Liberal government and that the cabinet would accept his bill to destroy the power of the Legislature over the allocation of funds. What is even worse is that this bill is proposing a retroactive allocation of funds. It is proposing to allocate funds which were not allocated to the designated groups over several years. I think both the Conservatives and the Liberals, in the last few years, have engaged in this misallocation of funds that were put into lotteries. I call it misallocation because they really had not authority to put the funds into other activities than the designated ones.

This bill, even though it was introduced in April 1988, did not come to second reading until 1 March 1989. There was considerable debate on

it in that period. In fact, there was a great hue and cry from all of the cultural, fitness and recreational organizations. They saw that this bill not only did not continue the designated clause in the original act, but it made no guarantee that the provincial Treasurer would put one penny into any of the designated fields. It just said the provincial Treasurer may give funds to whom-ever he chooses, and it was implied that he probably would not cut off the cultural-recreational groups altogether.

He also, of course, in this bill says he may give a certain amount to the Ontario Trillium Foundation but, again, there is no designation of the amount; but that he will give the unallocated funds that were still sitting in the consolidated revenue fund to hospitals. So he introduced a new principle of funding hospitals from the lotteries and he gave no guarantee to the groups that had been funded in the past through the designation in the Ontario Lottery Corporation Act.

Naturally, the groups that were going to lose any designation organized, with the support of the opposition parties who had voted against Bill 119 on second reading. We managed to get the government to agree to public hearings and we did manage to have 10 days of public hearings from September to October. If any of the members of this House had attended those hearings, they would have seen that the cultural, recreational and fitness groups in this province were doing a tremendous job.

1720

They were filling many new needs that had not been met in the past because the needs had grown. They were entering into new cultural fields. Some of them had very diversified activities that very few of us knew about. For instance, there was one group providing assistance to groups in prisons to put on plays, and this was both good therapy and good public education as well. There were groups setting up umbrella organizations for various cultural organizations such as companies and music groups.

These umbrella groups were going to make these organizations more efficient because what they were asking for was funds to computerize their activities and their lists, to share in fund-raising together, to have more effectiveness therefore and to have much more public education on their activities. With the money that they were asking for, every one of them would be far more efficient.

We had recreation departments of major cities, such as the city of Toronto, which produced a

whole book on the role of recreation in the broadest sense in the life of the citizens of Toronto. It was a very impressive book and talked about the health contributions of recreation to our general wellbeing. The city of Burlington had a very impressive book also on its activities in the recreational, sports and fitness field and how its programs simply could not operate without the kind of support it had been able to get in the past from lotteries.

I could go on and on about the lists of groups that appeared before us. I think there were over a hundred that appeared before us and I do not think more than one per cent, if that many, had anything to say in favour of the proposal by the Treasurer. They were unanimous in their not only opposition but horror at this kind of legislation that was taking away from them the right to have an assured source of funds for their activities. They were telling us how important these activities were, not just to recreational activities, but to the general health and wellbeing of the community.

I am shocked that the Treasurer and the government do not seem have to listened to a single one of the briefs of those groups, in spite of their very great eloquence in their presentations.

Let me just read a few of the people who appeared before us:

The Chamber Players of Toronto; the city of Thunder Bay, who had the same parks and recreation problems as the other cities I mentioned; the Mime Company Unlimited Theatre Foundation; the Parks and Recreation Federation of Ontario; Toronto Artscape Inc; the Toronto Arts Council; the Kitchener-Waterloo Symphony Orchestra Association; the East York Symphony Orchestra; the Dancer Transition Centre; Theatre Ontario; the Ontario Association of Art Galleries; Tafelmusik; the Waterloo Regional Library, and many other libraries came to us saying that the grants they got for some activities of promoting the libraries or helping people to use the libraries more efficiently were very valuable.

There was the Canadian Stage Company, which is a large new group in Toronto and an amalgamation of other companies which cannot have as broad a program as it would like without lottery funds; the Boys and Girls Clubs of Ontario; the Ontario Amateur Wrestling Association; the steering committee of the Community Arts Councils of Ontario, a very large umbrella group; the Ontario Association of Archivists; the Ontario Municipal Recreation Association, the regional municipality of Peel; Sports Ontario; the

Toronto Symphony; the Buddies in Bad Times Theatre, which is I think the theatre in the correctional institution;

The Ontario Research Council on Leisure; Théâtre Français; the Danny Grossman Dance Company; the Metropolitan Toronto Reference Library; Dance in Canada; the Factory Theatre; city of Mississauga recreation and parks department; the Durham Art Gallery; the Kingston Regional Arts Council; Society of Directors of Municipal Recreation of Ontario; Danceworks; city of Windsor parks and recreation; the Ontario Library Association; the Women's Art Resource Centre; Theatre on the Move; Community Arts Ontario; Northeastern Ontario Regional Sports Committee; the Koffler Gallery; the Gallery/Stratford; the Hamilton Philharmonic Orchestra;

The Ontario Recreation Society in Lindsay; the Carousel Players; the Mariposa Folk Foundation; Dance Ontario Association; city of York parks and recreation; the Writers' Union of Canada; the Toronto Dance Theatre; city of Toronto, as I mentioned, parks and recreation; the Kingston Symphony Association; the Ontario Sailing Association; Showcase Theatre; city of North York parks and recreation; town of Dundas parks and recreation; the Hockey Development Centre for Ontario; Tecumseth and West Gwillimbury Historical Society; the Toronto Theatre Alliance; the Union of Ontario Indians—our native peoples also use the grants and they are usually very badly in need of assisted funding;

The corporation of the city of Brampton; the Ontario Museum Association; the Older Adult Centres Association of Ontario; the recreationist for the Township of Newmarket; the Women Activist Sport Administration; the Ontario Registered Music Teachers' Association; the Association of Library Boards of Ontario; the Ontario Federation of Symphony Orchestras; the Grimsby Public Art Gallery; the Ontario Parks Association; the YMCA; the YWCA; the Windsor Board of Education; the Te Deum Concerts Society; city of Scarborough recreation and parks, and city of Sarnia the same.

Mr Chairman, I could go on reading you over 100 groups that have appeared, but the point is that they want some sort of guarantee that they will be allowed to continue to receive grants. The bill is lacking in that.

Many of these groups coalesced in what they call the Alliance to Protect Culture, Recreation, Sports and Fitness in Ontario. They made a submission to the public hearings on 11 September 1989. If I had time, I would like to read their whole submission into the record, but I will spare

the members that, although it is an extremely good presentation. They also did a record of the grant expenditures and lottery proceeds, showing how the lottery proceeds had not all been dispensed but had been allowed to accumulate in the consolidated revenue fund as unallocated funding.

In effect, those funds have been not only misappropriated, I think, but have really been taken away from the present recreation and culture groups, because it was really money that was raised by lottery ticket buyers for them. The ticket buyers see on the backs of the tickets that the proceeds of these lotteries go to sports, recreation and fitness and culture. So they were betrayed in their trust when they bought a ticket and in effect the funds were stolen from them, if I am allowed to use that word. Certainly people have said that those funds belonged to the people in those cultural and recreational activities and the government literally took them away from them.

1730

One of the worst parts of this bill is that it is an attempt to regularize what the government was doing over the years in letting funds that belonged to these corporations be unallocated for many years. The accumulated unspent surplus has been estimated by the Alliance to Protect Culture, Recreation, Sports and Fitness in Ontario at \$400 million. That money should have been allocated to all the sports and recreation groups, and if we are going to decide on its disposition in this bill, its disposition should be back to those groups, certainly not to other purposes.

The request of the government to come to us for regularization of irregular activities in the past puts a particularly bad odour on this bill because it is not going to rectify what it has done in the past. They have given us no guarantee that there will be any further consideration by the Legislature of the designation of funds under the act, and it seems to me that the government came to us with unclean hands in the past on its allocation of the money and it should be very much ashamed of coming forward with this kind of attempt to regularize its past activities, but I understand that the government will not be able to get this unallocated money out of the consolidated revenue fund without our passing this bill, so we really have the whip hand in this.

Our two amendments, particularly the one to section 2, deal with what should happen to the Ontario lottery trust fund that we propose should be set up to deal with this money. When we get to

those amendments, I will discuss in more detail exactly what we are trying to do with regard to those funds.

Since this bill has had such a long history, starting back in 1986, and it is now almost 10 months since it had second reading, that is why I think we ought to be looking at amendments to this bill at the present time and that is why I think we should be considering both our two amendments, and if the Progressive Conservatives have some, we should be looking at them as well, because what we are doing right now is dealing with what we have learned through those public hearings.

We have not met again on this bill since the public hearings were concluded and reported out on 10 October; almost two months ago. Surely the government learned something from sitting through those 10 days of public hearings. Surely they learned something from the very wonderful briefs that were presented by many, many organizations, most of whom I think they had never heard of before. Certainly there were a good number that I had not heard of because these groups do not have the funds to publicize their activities. They do not have the funds to lobby all the members of the Legislature, but they did attempt in those hearings to tell the all-party committee what was going on in the cultural, recreational, sports and fitness field, and therefore I think the government should be willing to look at amendments to this bill.

There is one further thing that I wish to deal with in general, and that is the attempt to divert any of the unallocated funds that are not spent on fitness, sport, recreation and so on to hospitals. All of us know that the hospitals are in very dire straits. They are closing beds; there is a shortage of nurses; there are lineups for surgery. But we have to remember that since this bill was introduced, the hospitals have received a big shot in the arm through the employer health levy. The government is replacing the OHIP premiums, and we are in favour of its phasing out the OHIP premiums, but it is replacing those with the employer health tax levy which will raise, not the amount of money the premiums brought in, but \$300 million more. Surely that is going to be a shot in the arm for the health services, although again, the employer health tax levy is not earmarked for hospitals.

In his budget, the Treasurer said he was not only bringing in the employer health tax levy but, as a balance—presumably because he is not taxing the self-employed—he is bringing in a one percentage point increase in the income tax for

health purposes, he says. Then he is bringing in additional amounts from the employer health tax levy.

He also appears to be bringing in a large amount from people who have paid premiums on the quarterly instalment basis and who will be expected to pay for the first three months of 1990, even though premiums are to be abolished as of 1 January.

The Treasurer has all sorts of money coming out of his ears for hospitals and he should be reorganizing the delivery of hospital services. He does not have to use lottery money for hospital services. He should instead be considering his whole recreational, cultural, fitness and sports fields, which are among the most underfunded fields of this province and which have made a very strong case for getting more funding.

The alliance suggests it should get at least a third of the lottery funds allocated to it. I think they should go for a larger percentage because, when we read their briefs, their needs are so great and so fundamental to the development of the health and wellbeing of all the people in this province. I hope, when we come to the amendments, we will not pass allocations to hospitals, but we will restore the original needs and set up a corporation to dispose of the unallocated funds the government wishes to spring from the consolidated revenue fund and we will set up an Ontario lottery trust fund which will dispose of those in a more suitable way than the provincial Treasurer has indicated he is planning to do in his bill.

I hope we will get on with the amendments.

The Chair: Let us do exactly that, get on with the amendments.

Section 1:

The Chair: Will the member for Beaches-Woodbine move the amendment on behalf of Mr Farnan?

Ms Bryden: I move that section 9 of the Ontario Lottery Corporation Act, as set out in section 1 of the bill, be struck out and the following substituted therefor:

"9. The net profit of the corporation after provision for prizes and the payment of expenses of operations shall be paid into the consolidated revenue fund at such times and in such manner as the Lieutenant Governor in Council may direct, with a minimum of one third of the amounts so paid in to be available for appropriation by the Legislature,

"(a) for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor; and

"(b) for the activities of the Ontario Trillium Foundation,"

"and the remainder of such amounts to be available for appropriation in such manner as is determined by the Legislature."

May I speak briefly to it?

1740

The Chair: As the member may be well aware, we have been told by legislative counsel that this contravenes standing order 54. I will read it because all other bills—

Mr D. S. Cooke: That is supposed to be your ruling, not the lawyers'.

The Chair: We are based upon it but I rule that it is out of order, if that may satisfy you. I will read standing order 54 for the members' benefit. Dispense? That is good enough. Therefore, we cannot receive it.

Ms Bryden: Usually members may say why they are submitting the amendment. I am aware also that it could be ruled out of order under standing order 54 but I think I should have an opportunity to state briefly why we think it is in order and then you can rule under that.

The Chair: No, it does not work this way. What I suggest to members, if they plan to do this and they know ahead of time that the bill or proposed amendment will be out of order, is to speak to it before you make a proposal to move something. It cannot be made afterwards if it is not receivable. May I suggest to you that if you know that next time, speak to it beforehand and not afterwards. I cannot allow you to speak right now. It is not receivable. I cannot receive this proposed amendment.

Mr McLean: I would like to say a few words with regard to this bill before I put any amendments, if I could do so.

Ms Bryden: On the point of ruling, Mr Chairman: In the committee on Bill 47 the other week, the chairman allowed the member to state the case before the ruling was made not before the amendment was before us because you do not know what you are talking to if you do not have the amendment before you.

The Chair: We met this morning, the Speaker and myself and the two deputy chairs, and we agreed. I maintain my ruling that if a proposal is made in front of us, and I concur with that, if that proposal is made in front of us and if it is not receivable, if it is out of order we cannot allow discussion afterwards. I do not know what they did in committee but there was a unanimous decision this morning and I concur with that and that is my decision right now.

Mr Reycraft: The new standing orders were not in effect then.

Ms Bryden: It is different from last week.

The Chair: It may be. I do not know what people did in committee but this is what we discussed this morning. This is what we ruled.

Mr McLean: I would like to make a few points in regard to Bill 119, if I may. We are in committee of the whole and I would like the opportunity to do that. May I proceed?

I just want to speak briefly on Bill 119, An Act to amend the Ontario Lottery Corporation Act. We find this bill is deficient in a number of respects and we will be proposing amendments. This bill, for a number of reasons, is a fine example of the sorry way this government conducts the public business of this province.

First, the bill illustrates how this government has consistently fumbled its own legislative agenda. Bill 119 received first reading on 25 April 1988. It is in fact a 1988 budget bill. It is only now, however, some 18 months later, one budget later, almost through 1989 in the fiscal year, that any substantive work is done on the bill.

So far, for about a year and a half, the government has kept arts, culture, fitness, sports, recreation groups hanging fire while this bill, which deals directly with the future funding of these groups, was mired in the Liberal legislative swamp.

Second, while I would not wish to prejudge the results of this committee's deliberations, we have no indication that the government is going to permit any substantive amendments to Bill 119 and I understand today that the parliamentary assistant says that there will be no amendments. So we will shelter behind standing order 15.

The public hearings will then be had for naught. It reminds me of the public hearings on Sunday shopping bills, where group after group came before the committee of this House and said, "This is a bad law and we do not need it." We believe in the cases of those bills, some 522 groups made submissions and 492, about 95 per cent of them were opposed to the Sunday shopping bills.

In the case of Bill 119, I venture to say that the percentage of groups opposed to what the government is proposing is even higher, and my colleague indicates it could be only one per cent who were in favour of it. I dare say that would be the fact, but that will not stop the government from passing this bill, because the purpose of these hearings from the beginning from the government perspective was not to improve the

legislation, but to allow the government to be able to say that it listened and it consulted. Yet the government will not allow amendments which deal with the concerns that have been expressed by one organization after another, and it tacitly admits that the consultative process has been a charade.

Third, this bill is yet another example of the confusion we find in so many ways with this government's policy initiatives. The clearest example of confused policymaking is provided by the way this government has tried and failed to deliver on its promise in the very specific plan to lower auto insurance premiums. I think the record is that that case speaks for itself and I will therefore not dwell on it at this time.

I submit, however, that the record of this Liberal government on the question of the use of lottery funds shows a similar confusion. It is no secret that the current Treasurer is opposed in principle to earmarking or dedicating revenues. He has said on a number of occasions, including the debate on the original Ontario Lottery Corporation Act in February 1975, that he believed earmarking of revenues was a bad practice. That is what the Treasurer said in 1975.

Bill 38, introduced on 13 May 1986, was at least consistent with that position, as it would have eliminated the limitations imposed on the use of lottery funds by section 9 of the act. Bill 38, incidentally, did not stipulate any alternative use for lottery profits. Bill 38, however, did not move beyond first reading.

Now we have Bill 119, which is apparently designed to meet the government's need for greater flexibility in the use of appropriation of lottery profits. But at the same time that the government is telling us it needs more flexibility with regard to the allocation of lottery profits, it proposes the establishment of a new lottery, Cleantario, the proceeds of which will be dedicated to and earmarked for environmental projects.

Further, when we in this party, with tongue firmly planted in cheek, suggested to the Premier (Mr Peterson) that he might want to establish a new lottery called Kidtario to help finance all those education programs he had promised, the Premier responded that his government does not believe in lotteries for education.

So we end up with a government which claims to need greater flexibility but wants to introduce a new dedicated lottery, with a government which does not believe in lotteries for education but apparently does believe in lotteries for health care and the environment. I say "apparently"

because it is far from certain that the promised Cleantario lottery will ever see the light of day.

It will be recalled that we asked about Cleantario in relation to Bill 119 at the start of the public hearings. The information we received back from the chairman was, and I will quote here from the Hansard of 12 September:

"We are in no position to say anything on that in this committee with respect to Bill 119. Nobody has made any judgements that we can determine anywhere with respect to that coming down the pike at this point in time. There is just not any information out there on that one."

So we all ended up with a government which in April wants to use lotteries to support environmental projects but in September has seemingly lost interest. Who can say with any confidence that their policy will be in place in December? The record clearly shows the confusion of priorities and direction in the lottery policy field.

Finally, this bill is an excellent example of how this government manipulates an issue in search of a quick headline. The headline the government wants in this case, of course, is "Liberals Use Lotteries to Fund Hospitals" and not "Liberals Loot Lotteries—Rob Groups of Funding." That is a little longer headline. The members opposite would not like that one so well.

1750

But that positive headline would be about as hollow as the hearings were because there is nothing in Bill 119 which guarantees that hospitals will get one extra dollar in operating funds as a result of this bill being passed, relative to what they would receive through the normal appropriation process.

As far as hospital funding is concerned, this bill is an elaborate shell game, an exercise in creative and politically expedient accounting. Bill 119 simply says that in any fiscal year net profits not used for the promotion of sports and culture and the activities of the Ontario Trillium Foundation shall be applied to and accounted for in the Public Accounts of Ontario as part of the money appropriated by the Legislature in the fiscal year for the operation of hospitals.

At the end of the fiscal year, the government can say that out of the \$6 billion it passed on to hospitals in operating transfers, \$300 million or \$350 million came from lottery profits. This does not mean the hospitals got \$300 million or \$350 million more than they would have otherwise, but it does allow the government to clean up the books in terms of how it accounts for lottery

profits not expended on activities and programs mandated by the act.

The same can be said of the national surplus, notational surplus or phantom surplus provision. If we talk about the phantom surplus in relation to the proceeds generated by Ontario-only games, we are talking about \$369 million to \$400 million on the whole lottery profit pool. However, the surplus is somewhere in the neighbourhood of \$1.4 billion, which is a pretty rich neighbourhood.

If we pass this bill today, does that mean Ontario hospitals will wake up tomorrow faced with the happy prospect of a \$1.4-billion windfall? Of course not. The Treasury does not have that money in a sock or in the trunk of the Treasurer's limo. Again, all this bill does is provide a way of accounting for what happened to those lottery funds which were not expended under the terms of section 9 of the act. Ontario hospitals do not win in this shell game, but our sports, recreation, fitness and culture groups could lose and lose big. I am surprised that the minister responsible has not taken an active part in this.

They are worried also because they believe this bill puts them in competition with the health care system for lottery dollars, does not provide them with any guarantee of access to those dollars and consequently they will be squeezed out. I know the government says this will not happen. It says: "Trust us. You will be taken care of." But as a Toronto Star editorial which addressed this issue last October put it, "the matter is too important for trust alone. The Treasurer should amend his bill so that it guarantees continued funding of lottery profits for sports, recreation and culture."

I could not agree more. Also, if the government is serious about using lottery funds to help finance the health care system or, perhaps more accurately, to legitimize the use of lottery funds to finance the health care system, then I would hope these funds would be supplemental to the appropriations which would be provided out of the general revenues and not a substitute for them. Let's make sure that lottery money for health care is additional new money and is not simply netted off against inflows from general revenues.

We think Bill 119 should be amended to provide sports, culture, fitness and recreation groups with a guarantee of access to lottery funds to ensure that any lottery funds allocated to the health care system are supplemental to and not a substitute for revenues from other sources, and to

provide for a more equitable disposition of the so-called service.

As I said before, we will be proposing amendments. Can anyone believe a government with no walls and no barriers hearing hundreds of delegations opposed to Bill 119 and then bringing this bill forward with no amendments? It is a disgrace and a slap in the face to all those who took the time and travelled hundreds and thousands of miles to attend hearings in Toronto, to not bring this bill in amended.

I cannot believe what I have seen and what I am hearing here today. It is a disgrace to those people and to those groups. The government should be ashamed of itself.

Mr Kerrio: Half an hour ago you were complaining about all the amendments they were bringing in. Make up your mind.

Mrs Marland: I think it is very important that the members in this House recognize what this legislation is about. I think it is important that they recognize that if this bill goes through as it is presently drafted, without our amendments, there is a tremendous sector of the population of Ontario who simply will not be protected.

It is rather ironical that I stand here today not any longer as the spokesperson for culture and recreation for our party, but I stand here speaking in opposition to this bill, as I did when we had Bill 38 before us.

There is one very big difference, and that is that some of those members who are providing the interjections this afternoon were not in this House when we had Bill 38 on the floor. They were not here to recognize the comments of the Treasurer at that time who, in not calling that bill, saw very well what the impact of Bill 38 was going to be on the arts and recreation and sports groups around this province.

We can smile when we talk about recreation and sports, performing arts and visual arts and say, "Oh, yes, but you know we have a need for this money and these groups are not really the big priority, so we have to spread the pot around, we

have to share it with everyone." The fact of the matter is that this bill is—one cannot use the word "misleading"—but this bill does not give any guarantees to anybody and that is the problem with it. On the surface it says, "Oh, we are going to share all the lottery profits with the health care system." There is not a word in this legislation that guarantees \$1 anywhere. There is no minimum; there is no limit. There is nothing in this legislation that says how much money is going to be spent anywhere, and that is where this bill misrepresents the facts as far as we are concerned.

I am speaking on behalf of those people who actually agree, yes, there should be lottery money for hospitals, and, yes, there should be lottery money for recreation, physical fitness, culture and sport. But this bill has no guarantees for anybody. All this bill guarantees, the only wording in this bill that guarantees where lottery profits go is into the consolidated revenue fund. For the laypeople, the term "consolidated revenue fund" means the government's pot of money.

We have no assurances what this Liberal government will do with that money. This money will not create one additional hospital bed in this province. It will not create one class or one facility for training medical staff to supply the health care that is needed in this province. This money is for hospital operations; it is not for capital. That is where I think the public of Ontario is being misled at this point with this legislation.

I am just getting a high sign from the Chair and I guess it is six o'clock, so I will adjourn the debate. I have not, however, finished my comments in opposition to this bill.

On motion by Mrs Marland, the debate was adjourned.

On motion by Mr Ward, the committee of the whole House reported one bill with certain amendments and progress on another.

The House adjourned at 1800.

ANSWER TO QUESTION IN ORDERS AND NOTICES

HOUSING DEVELOPMENT FUND

338. Mr J. M. Johnson: Would the Treasurer provide the following information about the housing development fund announced in the 1988 budget: amount of each deposit made to the fund, in the case of each deposit identify the specific sale of government land which generated the funds, the specific projects funded by the housing development fund as of November 1989 and the amount of assistance provided in each case? [Tabled 23 November 1989]

See sessional paper 243.

RESPONSES TO PETITIONS

TEACHERS' SUPERANNUATION

Sessional paper P-2, re Teachers' Superannuation Act.

Hon Mr Conway: The issue of providing a pension based on a "best five" years' service to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan.

Studies have shown that a "best five" recalculation would have considerable cost implications for the teachers' pension funds. Studies have also indicated that such a measure would not provide significant improvements for those who retired prior to 1976 and did not benefit from improved salary conditions and inflation protection.

In 1985 this issue was referred to the Public Sector Pensions Advisory Board, which reviewed the matter and recommended against such a change. Following these recommendations, the government decided that the most effective use of limited resources would be to augment low pensions with an ad hoc increase for teachers who retired prior to 1976. This improvement was implemented in 1987 and has been paid for entirely by the government.

WASTE DISPOSAL

Sessional paper P-5, re waste disposal.

Hon Mrs McLeod: The Havilland Bay waste disposal site is funded and operated year-round by the Ministry of Natural Resources. It serves a population of approximately 310 permanent residences and 2,000 seasonal residences. It is situated on Highway 17, approximately 10 kilometres north of the Goulais River waste disposal site.

Over the past several years, the ministry has been experiencing, at both sites, major problems such as indiscriminate dumping and unauthorized burning. In 1988, following complaints from nearby residents, the Ministry of the Environment indicated that these dumps would have to be better controlled and managed. In response to this, in the fall of 1988, MNR gated these sites and attendants were placed on duty during their hours of operation. However, we did not arbitrarily set these hours of operation. Instead, users were contacted on site and notices were placed in the local newspaper asking for comments. The hours were then set based on the comments/suggestions received and the funding available. Ever since we took this action of regulating these sites, the quality of maintenance at them has been excellent, as has been attested to by the comments received from many people.

The Havilland Bay site is currently open on Tuesdays and Saturdays, for a total of 15 hours per week. The Goulais River site is open on Sundays, Wednesdays and Saturdays, for a total of 21 hours per week. Due to the close proximity of these sites, the hours of operation have been set to complement each other (ie, one is open on Tuesday, the other on Wednesday).

The Goulais River site was chosen to be open on Sunday afternoons and evenings (1 pm to 7 pm) in order to accommodate cottagers. The cottagers from Goulais River, Goulais Bay and the Kars township area drive directly by this site on their way home. It can also be easily accessed by homeward-bound cottagers coming south on Highway 17 from the Havilland Bay, Harmony Bay and Chippewa Falls area, since it is located only 1.6 kilometres (one mile) off Highway 17. The combined hours of operation at these two sites provide comparable or better access to waste disposal facilities than is enjoyed at sites located east of Sault Ste Marie, many of which operate between 10 and 16 hours per week.

There is an additional factor to consider. The Havilland Bay site is nearing its fill capacity, with possibly only five more years of operating life remaining. Accordingly, we have attempted to direct as much garbage as possible to the Goulais River site in order to extend the life of the Havilland Bay site so that its residents may continue to enjoy, for as long as possible, the convenience of being able to use it on those days when they are in residence at their cottages, as opposed to using it on Sundays when they are

homeward bound and can easily access the Goulais River site. The Havilland Bay site will be closed once it reaches its fill capacity and, from then on, all garbage from the area will be directed to the Goulais River site.

The petitioners have raised the question of the Ontario government's allocating the necessary funds to allow for the extension of the present hours of operations at the site during the summer season to include Sunday in order to accommodate both the cottagers and the permanent residents. In point of fact, the operation and maintenance of waste disposal sites in the unorganized areas of the province has been of substantial concern to the government. This is particularly so because of the degree of client expectations that inevitably develop and the

whole question of adequate funding, allocation of program responsibility and delivery.

There are opportunities at hand whereby the local residents can establish direct control over the operation of such sites. Both the Havilland Bay and Goulais River waste disposal sites lie within the area covered by the Goulais River local services board. Staff from my ministry, MOE and MNDM would welcome the opportunity to jointly meet with the board in order to discuss options for the co-ordinated operation of both sites under one jurisdiction.

I am confident that provincial government staff and the local site users, working together, can establish a new operating arrangement for what will certainly become an increasingly efficient and environmentally sound waste disposal site.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Orléans L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaître, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrundola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Monday 11 December 1989

Members' statements		Occupational health and safety	4655
Firefighting	4643	Mr Mackenzie	
Mr Hampton		Mr Phillips	
United Nations International Children's Emergency Fund	4643	Hospital services	4655
Mr McCague		Mr Brandt	
Natural gas pipeline	4643	Mrs Caplan	
Mr Reycraft		Government suppliers	4656
Default judgements	4644	Ms Hošek	
Mr Reville		Mr Ward	
Human Rights Week	4644	Windsor area economy	4657
Mrs Marland		Mr D. S. Cooke	
Gun controls	4644	Mr R. F. Nixon	
Mr McGuinty		Automobile insurance	4657
Proposed hospital merger	4644	Mr Sterling	
Mr Reville		Mr Scott	
Assistance to farmers	4645	Violence against women	4658
Mr Villeneuve		Mrs O'Neill	
Andre Bieler	4645	Mrs Wilson	
Mr Keyes		Teachers' superannuation	4658
Statement by the ministry		Mr Morin-Strom	
Housing on government land	4647	Mr Conway	
Mr Sweeney		False alarms	4659
Responses		Mr McLean	
Housing on government land	4648	Mr Offer	
Mr D. S. Cooke		Recreation facilities	4660
Mr B. Rae		Mr Miclash	
Mr Harris		Mr Black	
Oral questions		Timber management	4660
Ontario Place	4650	Mr Wildman	
Mr B. Rae		Mrs McLeod	
Mr Elston		Motions	
Retail store hours	4651	Committee substitutions	4661
Mr B. Rae		Mr Ward	
Mr Scott		Agreed to	4661
Ontario Place	4652	Notice of committee hearing	4661
Mr Brandt		Mr Ward	
Mr Elston		Agreed to	4661
Retail store hours	4653	Petitions	
Mr Brandt		Commercial concentration levy	4661
Mr Scott		Mr Philip	
		Tobacco vending machines	4661
		Mr Allen	
		Greater Toronto area	4661
		Mr Philip	

Report by committee

Standing committee on general government	4662
Mrs LeBourdais	
Agreed to	4662

First reading

393598 Ontario Limited Act, 1989,	
Bill Pr49	4662
Mrs O'Neill	
Agreed to	4662

Government motion

House sittings, motion 24	4662
Mr Ward	4662
Mr D. S. Cooke	4662
Mr Harris	4663
Mr Sterling	4666
Mr Hampton	4666
Agreed to	4668

Second readings

Courts of Justice Amendment Act, 1989, Bill 69	4668
Mr Polsinelli	4668
Mr Hampton	4668
Mr McLean	4672
Mr Sterling	4673
Agreed to	4675

Evidence Amendment Act, 1989,	
Bill 70	4675
Mr Sterling	4675
Mr Hampton	4675
Agreed to	4676

Committee of the whole House

Evidence Amendment Act, 1989,	
Bill 70	4676
Mr Sterling	4676
Mr Polsinelli	4676
Mr Callahan	4677
Reported	4677

Ontario Lottery Corporation Amendment Act, 1989, Bill 119	4677
Ms Bryden	4678
Mr McLean	4683
Mrs Marland	4685
Progress reported	4685

Answer to question in Orders and Notices

Housing development fund, question 338	4686
Mr J. M. Johnson	
Mr R. F. Nixon	

Responses to petitions

Teachers' superannuation, sessional paper P-2	4686
Mr Conway	

Waste disposal, sessional paper P-5 ...	4686
Mrs McLeod	

Other business

International Human Rights Day	4645
Mr Cousens	
Ms Hošek	
Mr Allen	

Adjournment	4685
--------------------------	------

Alphabetical list of members	4688
---	------



Hansard

Official Report of Debates

Legislative Assembly of Ontario

Second Session, 34th Parliament
Tuesday 12 December 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 12 December 1989

The House met at 1332.

Prayers.

APPLES

Mr Miller: Mr Speaker, the apples that you see on our desks today are the product of Tom and Joan Haskett's apple farm at Vittoria, and in the spirit of Christmas they are put there by the member for Norfolk. The variety is Empire. I just want to bring that to your attention, Mr Speaker.

VISITOR

The Speaker: Before I call the first order of business, I glance to the east gallery and see a former member sitting there. I would like you to join me in welcoming Ed Good, formerly the member for Waterloo North.

MEMBERS' STATEMENTS

RETAIL STORE HOURS

Mr Kormos: If indeed it is true that an apple a day keeps the doctor away, I hope it is not too late for this one. I am hoping it will do the trick.

This Sunday past was about as cold a Sunday as we have had down in the Niagara Peninsula and it was made even chillier by a biting wind. Notwithstanding that, large numbers of people, members of the United Food and Commercial Workers International Union, turned out along with their spouses and children, both big kids and little kids, and friends and neighbours to picket those A&P stores that were brazenly and openly defying the law of the province, A&P stores that were remaining open on Sunday requiring their workers to work on Sunday notwithstanding that we supposedly, and I say that very carefully, have laws against that sort of thing.

Without hesitation and with some pride, I joined those workers. Welland-Thorold and the communities around Welland-Thorold are communities that hold families in high regard, communities that have high regard for their churches, and there are many of them, communities that consist of workers who fought long and hard to make sure that there would be a five-day workweek. Now we see A&P, apparently with the support of this government, forcing workers to work on Sunday. It is wrong and those workers

who picketed knew it. It is time this government took positive action to make sure it does not happen again.

NORTHERN ONTARIO HERITAGE FUND

Mr Harris: Now that the first annual report of the northern Ontario heritage fund has been tabled, it is clear the Peterson Liberals have again broken their word. They promised to spend \$30 million a year for 12 years through the heritage fund. In the minister's own words, "Its major goal is to promote and stimulate economic development in northern Ontario by providing financial assistance for single-industry communities experiencing economic disruption." Yet we now know they did not spend one dime of the initial \$30 million in support of this goal during its first year of operation. In fact, they spent less than \$950,000, or about three per cent of the entire budget.

Few places need more help than Temagami. Last year the fund invested the grand total of \$45,000 in the entire Temagami region. Yet huge companies like MacMillan Bloedel, in my riding I might add, Normick Perron and Westinghouse Canada each received \$100,000 as small business incentives. Analysis also shows that virtually every recipient qualified under programs that existed before the fund.

The fund has now grown to \$60 million. I have no doubt they will eventually spend this money. They will make all kinds of announcements as we near the next election. But where is the vision? Where is the leadership and the support for the exciting new tourism, transportation and economic restructuring initiatives that were so boldly promised by this fund? It was not created to simply rehash and dole out titbits from old programs at election time.

MEDIA DAY

Mr Ballinger: I am pleased to rise in the Legislature today and inform the members that today is Media Day at Queen's Park for the press of my riding of Durham-York.

Durham-York is made up of five uniquely different municipalities within the regions of Durham and York which share many common features, including the type of media which

covers the day-to-day life of our communities of Georgina, Brock, East Gwillimbury, Uxbridge and Whitchurch-Stouffville.

Joining us in the members' east gallery are representatives from various newspapers, cable TV and local radio stations who do an important job of reporting and informing the residents of each of these respective regions with the up-to-date news, sports, community events, as well as some of the more provincial and national stories.

Communities the size that I represent rely totally on the dedication and community interest of these weekly newspaper, cable TV and radio stations to cover and promote local events. My communities would be lost without them.

Durham-York Media Day is an opportunity for me, as their provincial member, to provide an interesting afternoon at Queen's Park that normally cannot occur due to the nature and importance of the role that they carry out on behalf of their communities. It is my hope that these people find the afternoon at Queen's Park not only entertaining, but also educational.

NORTHERN DEVELOPMENT

Mr Pope: I rise today to repeat a call that I made to the Minister of Transportation (Mr Wrye) two months ago for a clearer transportation policy for northern Ontario. We have seen recently in the news media an extended decline in mineral exploration in northern Ontario, particularly northeastern Ontario, and I say to the Minister of Mines (Mr O'Neil), with no programs and no real incentives to encourage increased mining exploration in the Mining Act.

We have seen actual mines in production closing down in Latchford, Kirkland Lake and Wawa, with no alternative employment for the miners and for the communities there. We have seen mills closing down because of the softwood lumber tax that this government participated in. We have no program for diversification or modernization of the mills.

We have seen the Ontario Northland Transportation Commission pull the tracks out of Timmins. We have seen Air Canada service withdrawn from northeastern Ontario. We have seen no noticeable improvement in highway transportation north of North Bay. We see the ONTC, Ontario's development railroad, withdrawing services from northern Ontario because of the closure of the mines. That is their excuse for reducing service.

What is clearly required of this government is a comprehensive transportation policy for rail,

air and railroad transportation to benefit all of northern Ontario.

4-H CLUB

Mrs Sullivan: Across Ontario, 1989 4-H agricultural projects have now been completed and awards nights have been held to recognize the achievements of 4-H members. Today I would like to pay tribute to all 4-H members and leaders across the province, and in particular I would like to champion the work of 4-H clubs in my area, Halton region, which had outstanding success this year at the Royal Agricultural Winter Fair.

The Scotiabank Hays Classic at the Royal Fair attracted some 250 4-Hers from across Canada. Halton's 4-H team was judged the premier club based on showmanship, conformation and herdsmanship. Halton's entrants placed first in showmanship, in the summer yearling Holstein class and in the Jersey calf class.

In the National Beef Heifer Show, a Halton 4-Her was named Grand Champion Showman and she also exhibited the champion Simmental heifer. Halton also had a strong showing in the Queen's Guineas and the Lawara trophy competitions.

Wherever they are, 4-Hers become self-confident, knowledgeable, active members of the community who have learned to do by doing. I am pleased to honour them today.

1340

CO-OPERATIVE HOUSING

Mrs Grier: I rise to thank the Minister of Housing (Mr Sweeney). Unusual though that occasion might be, I want to thank him for allocation of co-operative homes in my riding of Etobicoke-Lakeshore. In his announcement on Friday the minister announced that BRC Workers Housing Co-operative, Marilyn Bell Housing Co-operative, New Toronto Housing Co-operative and Westshore Village Co-operative would all receive an allocation totalling 490 units.

I make the point because there is a real fear in the co-operative housing movement at this time that this government's commitment to that form of housing is diminishing. The Czechs talk about the Czech spring in 1968. There is the sense in the co-op housing movement that the period of the accord between the Liberals and the New Democrats was the equivalent of the Czech spring when it comes to progressive issues such as co-op housing.

Co-op housing is a form of tenure that allows people to have control over their own accommodation. It allows tenants to have a say in how that housing will be managed. It allows people to have affordable housing that remains affordable because the increases in the rental allowance that is paid to the co-op is determined by the members themselves and by their demands.

I am very proud that in Etobicoke-Lakeshore we are going to have some new co-ops and I urge the minister to make sure that this allocation is only the beginning of a major commitment in Metropolitan Toronto.

HIGHWAY SAFETY

Mr J. M. Johnson: I would like to bring to the attention of this Legislature, especially the Solicitor General (Mr Offer), a very serious highway safety problem that exists in my riding of Wellington.

This morning I received a letter from fire chief Alfred Slade, township of Puslinch, county of Wellington, expressing serious concern about the lack of Ontario Provincial Police coverage for the area of Highway 401 which passes through the township of Puslinch. I understand that the police detachment serving this area is the third busiest in Ontario, but the level of its manpower does not reflect this fact. As a result, Puslinch township fire department personnel are called upon, when accidents occur on the highway in this area, to perform traffic control duties.

Chief Slade states, and I will quote directly from his letter: "Last winter we had a 40-car pileup on the 401 and only one police officer. Consequently, I had six of our firefighters tied up controlling traffic. The policemen we have in this area are terrific, but they can only do so much.... What we need is a traffic squad. With all the chemicals and hazardous materials travelling the highway today, sooner or later the fan is going to get hit and somebody will have to answer—'Why?'"

Hopefully the Solicitor General will take some positive action in response to Chief Slade's concerns.

PLASTICS RECYCLING

Mr Daigeler: I would like to congratulate the Minister of the Environment (Mr Bradley), together with the Society of the Plastics Industry of Canada and Trans-Ontario Plastics Recovery Inc for the completion of a report entitled Barrhaven Demonstration Project.

This study was done in my riding of Nepean. It concluded that plastics recovery for recycling is

feasible for communities where the blue box program exists. The report will be useful to municipalities considering such a move. The communities of Mississauga, Guelph and Toronto also collect plastics in their blue boxes. The Barrhaven report should enable additional municipalities to undertake plastics recycling.

Although plastics are only a small portion of landfill sites by weight, by volume they can be as much as 28 per cent of landfill. Municipalities concerned with the costs of plastics recycling should consider not only the revenue generated by curbside pickup, but the environmental and economic costs of additional landfill sites.

Again, I wish to congratulate the minister and I hope he will work actively with other municipalities to include plastics recovery in their blue box programs, as was done in my riding of Nepean.

PRESS RELEASE

Hon Mr Offer: I rise on a point of privilege, Mr Speaker. Today I received a news release on the stationery of the Ministry of the Solicitor General. This release came via Canada News-Wire under date 11 December. I would like to indicate to the House that the information contained within this release did not emanate from my ministry.

I have received information from Canada News-Wire that due to a clerical error at Canada News-Wire Toronto, copies of a press release issued 11 December by the Ontario Teachers' Federation were inadvertently delivered to Queen's Park Press on Ontario Ministry of the Solicitor General letterhead.

Canada News-Wire has indicated that it is solely responsible for the error and apologizes to the Ministry of the Solicitor General and to the Ontario Teachers' Federation for any embarrassment caused.

The Speaker: Order. I listened carefully to the member raising a point of privilege, however, it would appear to me that it would not be a *prima facie* case of privilege. I cannot see where there would be any contempt of the House. There may be contempt of the ministry, and I am sure that the minister can deal with that internally or externally.

ORAL QUESTIONS

RETAIL STORE HOURS

Mr B. Rae: I want to go back to the Attorney General again today and try to ask him a simple question as to why it is that, while section 8 of the act involving retail stores makes it very clear that the Attorney General has the discretion to apply

to the courts for an injunction when he has reason to believe that the law is going to be broken, he is not gathering information with respect to which stores are planning to open on Sunday and he is not himself bringing an injunction to make sure that these stores remain closed.

Hon Mr Scott: The answer is the same as I gave yesterday.

Mr B. Rae: I wonder if the Attorney General can stand in the House and tell us what is the average length of time that it takes for a case to be heard in the county of Peel and in York region? Can he tell us how long he thinks it will be before any charges that are laid in the month of December 1989 are heard?

Hon Mr Scott: It depends on whether the accused is in custody or not, whether it is a bylaw enforcement matter or not, or whether the matter is given urgency by the presiding judge.

Mr B. Rae: I can tell the Attorney General, from my experience of cases that I have known in York region and in Peel, that cases are being delayed by as much as a year and a year and a half before they are heard; that in some instances cases are taking so long to come to judges that judges themselves are throwing them out on constitutional grounds. That argument is being applied with respect to many charges that are coming before judges.

I want to ask the Attorney General, does he not realize that the law is seen as a joke, that it is seen as a scoff law, that its enforcement is seen as a joke, that his actions are seen as a joke and his failure to bring an injunction sends the clearest possible signal to these stores that they—

The Speaker: There seemed to be about three supplementaries in that.

Hon Mr Scott: I did not hear any question. I heard sort of a windup, but there was no question.

The Speaker: New question, the Leader of the Opposition.

Mr B. Rae: I think we have seen arrogance. The question was, does the Attorney General not realize—

Hon Mr Scott: I did not hear any question.

Mr B. Rae: I have seen arrogance in my time but never such—

Hon Mr Scott: On a point of order, Mr Speaker: If the honourable member would like to put a question, I would be delighted to answer.

Interjections.

The Speaker: Order. Have you all finished? New question.

1350

AFFORDABLE HOUSING

Mr B. Rae: My question is to the Minister of Housing. I would like to ask the minister this question. There are now 42,000 families on the waiting list for assisted housing. There are at least 54,000 applications from co-op housing groups and nonprofit groups throughout the province for funding from the ministry for the future. Now, the ministry has just completed its program, called Homes Now, with its most recent announcement with respect to nonprofit housing. I want to ask the minister, does the government of Ontario intend to bring in a new program, an Ontario program, funded exclusively by the Ontario government, for the funding of nonprofit and co-operative housing in Ontario?

Hon Mr Sweeney: I would remind my honourable friend that at the present time Ontario is the only province in Canada that has such a program. In fact, over the three-year period covering 1988-89-90, it will be producing more nonprofit housing than all the rest of the country put together. So Ontario is doing a lot.

I would also point out to the honourable member that the capital cost of that program is in excess of \$3 billion, and the accumulated subsidy cost of that program when it reaches maturity in 1993 will be in excess of \$900 million, compared with \$150 million when this government was formed in 1985. So there has been tremendous progress there.

Obviously, the government is going to have to look very carefully at its total housing policy and total housing initiatives over the next year or so to determine where it goes from here. That decision has not yet been made.

Mr B. Rae: No one denies the fact that Ontario has a program which was negotiated during the period of the accord. No one denies the fact that there is a need. While the Attorney General (Mr Scott) is laughing and showing his general contempt for the rest of the world, I can tell him that there are, in fact, 20,000 homeless people in Toronto, as well as the tens of thousands more who are underhoused and poorly housed, which led to the view in his report in 1988 there are some 200,000 households that are caught in the cycle of homelessness.

I want to ask the minister why he would not be announcing a continuing commitment from the government of Ontario so that people could know that in fact their applications were going to be considered and that their place on the waiting list

meant something, rather than simply meaning that they are on a waiting list for nowhere.

Hon Mr Sweeney: The honourable member was correct when he said that the bulk of the 30,000 units for Homes Now have been allocated. I believe the last figure I saw was that 28,000 out of the 30,000 have been allocated. But I am sure the honourable leader of the official opposition is also aware of the fact that this is a long way from completed projects. He will be well aware of the fact that many of these allocations were given in 1988 and are in terms under construction now. The allocations which were just given yesterday, in many cases, will not be completed during 1990 or even into 1991, so we still have a long way to go on the existing program.

What I tried to suggest to him in my first answer was that we have not yet formulated the next step in the entire affordable shelter program. That is part of the process that is coming up. But right now we are in the middle of a very ambitious program. The 30,000, I would remind him, started just last year, and it is going to take us a couple of years to work that one through the entire system. We have a couple of years to decide what the next step is going to be and what form it is going to take. That decision has not yet been taken.

Mr B. Rae: If the minister just said the ministry has a couple of years, that is absolute nonsense. It does not have a couple of years. We have a whole co-operative and nonprofit movement out there with plans on the books, with plans that are ready to go. We have the cost of land spiralling and escalating in many parts of the province to the point where land is no longer affordable for many people. I cannot believe the minister honestly believes he has a couple of years.

Let me ask the minister, when he has 42,000 people on a waiting list, when he has 54,000 applications in, is he seriously saying he can afford to wait one or two years before he announces his program for the future?

Hon Mr Sweeney: What I tried to suggest to the honourable leader was that the program that is currently in place will take at least two years to work its way through. I am not suggesting that we wait until that one is complete before we start the next one. I recognize he is saying that there has to be some lead time, and decisions will be made in sufficient lead time, as we have all the way along.

I would also remind the honourable leader of the official opposition that we have an ongoing

cost-shared program with the federal government which is providing somewhere in the neighbourhood of 5,000 to 6,000 units a year. We are still working on that. That is part of the process as well.

The third thing I would point out is that I have met with the nonprofit association and the co-operative association and indicated to them that, along with these kinds of projects, I want to work with them with a wider base of projects that are going to provide affordable housing. The nonprofit one is not the only route we are going. We are going to continue to go that route, but we want to expand it even beyond that into other types of housing.

RETAIL STORE HOURS

Mr Brandt: With some degree of trepidation, I have a question for the Attorney General. In the spirit of Christmas—I do not want to upset him and I do not want to get him angry—I simply want to know if the Attorney General is aware that York region has indicated that any charges that are laid in connection with the breaking of the law as it relates to Sunday openings will probably not be heard until February 1991.

Does that concern the Attorney General, and if it does concern him, what action does his ministry intend to take either to assist with the particular backlog of cases or to help correct the situation, which is obviously not a particular problem that we can live with here in the province of Ontario?

Hon Mr Scott: If I may say so without ruining the interim leader's leadership chances, that is an excellent question.

It is essentially the same question as the Leader of the Opposition (Mr B. Rae) asked, but the trouble with his questions was, if it is going to rain tomorrow, that is bad management on the part of the government; if the sun comes up, it is because it was mentioned in the accord. So I am really delighted to get this question from the honourable member and to explain that in Newmarket, which is the regional town for York region, there is a significant backlog problem which has existed for five or six years which leads to out-of-custody cases being tried about a year or 11 months down the pike.

A year ago we established delay reduction committees in the six communities in Ontario which have this kind of delay problem, this kind of historic problem which is connected with very large growth in those communities. Those delay reduction committees, under the leadership of the local judge, have been working well.

Because disposition rates have improved and delay times have been reduced, often very significantly, we have put new resources into those regions. The honourable member will know, I believe, that two new judges and three new crown attorneys have been promised for Newmarket. Those positions are being filled at the moment and we hope to have those new resources in place shortly.

I am very grateful for the question because it allows me to remind honourable members about this delay reduction.

Mr Brandt: The Attorney General is going to be even more grateful for the supplementary. The supplementary is, recognizing that judges have rather arbitrarily established 15 months as the period of time in which they will simply dismiss charges because of the charter reservations that they have and the consequences of those delays, can the minister give any assurance to this House that charges now being laid by the police forces in York and other regions where there are court backlogs, will be heard, certainly within that 15-month time frame or earlier if at all possible, so that those who are illegally opening on a Sunday, who are breaking the law, who are causing havoc at the moment with respect to Sunday shopping laws will, in fact, be prosecuted in the appropriate manner?

Hon Mr Scott: I can give the honourable member the assurance he wants. I would just do so adding one reservation. The honourable member refers, and we see it in the press, to suggestions that judges have picked 15 months as the time, if there is delay, beyond which will lead to a dismissal of the prosecution. In fact, the appeals that have been taken from those judgments to the Court of Appeal for Ontario are not supporting that conclusion, and in the circumstances, when the results of the appeals are looked at, it cannot be concluded that there is any arbitrary time or, indeed, that the time is 15 months.

1400

But I am very conscious of what the honourable member says. I think we can give the assurance that he requires. This government has made plain to communities which, for demographic reasons, have big population increases that if they will establish delay reduction committees to work with the bench within existing resources, when those committees begin to produce results, as they have been doing—delay times in Ottawa were reduced from 15 months to nine with no new resources—new

resources will be provided, as they have been in York region.

Mr Brandt: The Attorney General said some time ago, "Persistent violators will be dealt with in accordance with the provisions of the legislation. The act now permits the Attorney General or a municipality to apply for injunctive relief against persistent violators. I have no doubt that this route will be pursued soon, as a sufficient case can be made for so doing."

I would suggest to the Attorney General that over 80 stores which have chosen to be open over the course of the past few weeks, illegally, support the position that he took in his statement that a case can now be made to vigorously pursue these particular individuals and corporations.

Would the Attorney General share with this House whether in fact it is his intention to become more actively involved, as is his right under Bill 113, I believe it is, but section 8 of that bill? Will the Attorney General take the option that is available to him and vigorously pursue this matter in order to stop the kind of illegal openings that are happening each and every Sunday, and have for the past few weeks?

Hon Mr Scott: As I indicated to the honourable member yesterday, and presumably will have to indicate every day until the Christmas shopping season is over, we have decided what the appropriate role for the Attorney General under section 8 is, and what role is appropriate for the municipalities.

The honourable member will be glad to know that the municipalities in southern Ontario have recognized that, and the municipality of Metropolitan Toronto and the regional municipality of Peel have commenced those proceedings. We have indicated repeatedly, and I am delighted to emphasize again, that if there are difficulties that the regional municipalities have, as there appear to be in one instance as a result of the Honourable Mr Justice Potts's decision, we will be delighted to support the municipalities in advancing their case.

As I said the other day, I have communicated that in written form to Chairman Tonks in Metropolitan Toronto and I make the same pledge to any other community that has commenced or is prepared to commence an injunction proceeding. We will support them vigorously.

HEALTH INSURANCE

Mr Brandt: My question is to the Minister of Health. As the minister is aware, as of 1 January 1990, this government will be introducing an

employer health levy to cover what was previously known as the OHIP premiums that were paid by individuals. Some of these individuals who previously were paying their own premiums under OHIP will no longer be required to do so as of 1 January 1990.

If those individuals, who are receiving bills now for the first quarter of 1990, refuse to pay and for whatever reason end up in a hospital in January, February, March or April 1990, the minister has indicated that they will have access to the health system. She has not indicated who will pay for an individual who has refused to pay the OHIP premium for the first part of 1990. Could she now clarify for the House who will pay that particular charge if the individual ends up in the hospital or requiring the attention of a physician in that period of time?

Hon Mrs Caplan: As I begin the answer to this question—the leader of the third party has asked this question before—I would encourage him and members opposite not to create confusion around this matter, and I will try to be very clear.

All residents of Ontario will have access to health care services as of 1 January and beyond as we go through the transitional period, as we move from premiums to taxation as a method of funding health care services. Clearly, all residents who receive their last premium notice prior to 1 January are expected to follow the instructions accompanying their last premium notice, as is the reality today.

Mr Brandt: The minister in this House has said repeatedly that she wants factual information to be shared with the 9.5 million citizens of Ontario. In the interest of pursuing that common goal of having factual information, will the minister state simply—and remove from her vocabulary the word “access,” because I am not at the moment asking a question about access to health facilities; I am asking a question about payment upon access to those facilities. If an individual refuses to pay the OHIP premium because in his mind he is being double billed, will he in fact be billed in the first quarter of 1990?

Hon Mrs Caplan: I want to say to the leader of the third party that I believe the Treasurer (Mr R. F. Nixon) very ably, as he always has and I am sure always will, has answered the question regarding the issue that the member opposite raises, and, I think, fully to the satisfaction of most objective observers. For the interest of the leader of the third party, we are communicating directly with residents regarding payment of their

last premium notice during this period of transition. I would say to him again that I would encourage him not to create confusion on this matter and I would state again that in fact all residents will have access to health services in the province of Ontario.

Mr Brandt: Somehow or another, in spite of my attempts to remove the word “access,” which is a different question entirely, the minister has included that in her response. Let me try the question another way. Since she has consistently taken the position that doublebilling is not part of the format of the introduction of the new employer health levy, maybe the minister could indicate to the people of Ontario, in order to keep this information factually correct, how much additional money she is collecting as a result of the change in system from OHIP premiums to the employer health levy. And before she answers the question, I am going to tell the people of Ontario it is well in excess of \$400 million.

Hon Mrs Caplan: I say to the leader of the third party that I am proud of the initiative of this government to convert from a premium to a tax levy. I would say to him that it results in a \$1-billion tax cut in the pockets of the taxpayers, the people of this province. That is very fair. It was recommended by the Social Assistance Review Committee report on welfare reform, and he should be supporting this as well.

Mr Brandt: It's not a tax cut and you know it. Don't mislead the people of Ontario. That's nonsense.

Interjections.

Mr Brandt: Answer the question for once.

Hon Mrs Caplan: I would ask him to stop trying to confuse the people of this province. We are committed to the principles of medicare—

The Speaker: Order.

Mr Cousens: If anybody is trying to confuse them, it's you and the Liberals.

Hon Mrs Caplan: —which are, and I will spell them out for him, universality, reasonable access—

Interjections.

The Speaker: Order. Are you finished wasting the time? Order.

1410

TOURISM INDUSTRY

Mr Hampton: My question is for the Minister of Tourism and Recreation. The minister will understand that tourism is a very important economic activity in northwestern Ontario.

Tourist operators and community representatives regularly attend sport shows in several midwestern United States cities in order to market our tourism activities. They are somewhat dismayed, however, that the Ministry of Tourism and Recreation does not attend many of these sports shows and does not offer marketing assistance or information assistance in order to attract tourist dollars from the US midwest into northwestern Ontario. Can the minister explain why his ministry has abandoned many of these sports shows and does not perform an aggressive marketing role on behalf of tourism in the northwest?

Hon Mr Black: I should first of all tell the member that his facts are incorrect. I am not sure where he is getting them, but he is obviously not getting the correct facts. My ministry is continuing, as it has in the past, to support tourism operators from across this province. It is continuing, through the Ontario travel association program, to provide moneys for regional marketing programs. It is continuing to do marketing at regional trade shows across the United States. Through some of the television and radio advertising we do in the northern and northeastern United States, those states which border northwestern Ontario, we are continuing to feature northern Ontario and northern Ontario destinations in our advertising. I am not sure where the member gets his facts, but they are not correct.

Mr Hampton: Maybe it would help if the minister attended meetings when the Northwestern Ontario Associated Chambers of Commerce come to Queen's Park to talk to cabinet. They made it very clear to the Premier (Mr Peterson) and they made it very clear to the Minister of Northern Development (Mr Fontaine) that they are quite upset that the Ministry of Tourism and Recreation does not attend these sports shows. The ministry used to attend them. The ministry used to perform a very valuable, specific function; that is, explain regulations. Whether they be Ministry of Natural Resource regulations or whether they be accommodation regulations, the ministry used to explain these types of things to potential clients, but the ministry is no longer there. So representatives of the Northwestern Ontario Tourism Association—

The Speaker: Are you coming to your question?

Mr Hampton: —and the chambers of commerce want to know why the ministry is not there and why they have to do its job for it.

Hon Mr Black: I am pleased to tell the member that the Ministry of Tourism and Recreation still has a strong presence at trade shows in the United States. I will repeat the comments I made earlier: We continue to provide marketing support through several media. Now surely the member would not be expecting my ministry to continue to do things as it did two or three decades ago. Times change, marketing strategies change, the tourism market is changing and we need to keep up to date. I want the member to know that I have travelled extensively in northwestern Ontario since my appointment. I have met with tourism operators from across the northwest and will continue to do so. We are happy to work in partnership with them.

HOSPITAL SERVICES

Mr Eves: I have a question of the Minister of Health. In the absence again today of the Premier (Mr Peterson), I would like to return the minister to the issue of the Stella Lacroix inquest and the coroner's jury's recommendations. On 12 October 1989, the Premier said in this House, and I quote:

"As I understand what the Minister of Health has just said, there is a system in place but the system was not used...."

"So the question is: Why was the system which is in place and, to the best of my knowledge, functions well most of the time, not used?...The beds were available....The question is, why was it not used?"

Does the minister still stand by the Premier's statement of 12 October, and hers on many subsequent occasions, that there was a province-wide, emergency care hotline number and system in place and Dr Nesdoly and everybody else was to blame for not using the system?

The Speaker: Thank you.

Mr Eves: Because that is what he said. I just quoted what he said. Will the minister not now stand up and admit that she was wrong?

Hon Mrs Caplan: I think it is very important when we discuss these issues that we recognize that the existing system, and we refer to our health care system as a system, we say that it is good. In fact, we know that some of the features of the existing system are that it is unco-ordinated and fragmented, and we are working together to develop networks. What the Premier was referring to was the letter, which I tabled in this House, from the Toronto General Hospital outlining the system that it had in place. The Toronto General Hospital, at the inquest, stood by as factual the information in its letter. I think

that letter was presented to this House in good faith.

Mr Eves: The question is not whether or not the letter was presented to this House in good faith. Nobody is questioning that. Vickery Stoughton, the author of the letter, himself admitted during the coroner's inquest that there is no provincial-wide system and there is no hotline. It is an emergency phone in the emergency department of the hospital. That is all it is.

Interjection.

Mr Eves: That is not what she said. I quote from her on 12 October—

The Speaker: Order. I am afraid the member is having to shout for some reason. Perhaps the member would place his supplementary.

Mr Eves: I am shouting to get through the minister's thick skull.

The Speaker: Perhaps the member would just want to remain seated and not ask a supplementary, because we do have a standing order that we do not like abusive and insulting language. Do you have a supplementary?

Mr Eves: Mr Speaker, first of all, I would like to withdraw the last comment. Second of all, I would like to ask my supplementary.

The minister has said in this House on many occasions that we have a world-class health care system. I think that when the Premier and she herself, as Minister of Health, go out of their way to make disparaging remarks in public about a member of the medical profession, which have subsequently been proved by a coroner's jury to be inaccurate and unfactual, the very least she can do as Minister of Health is stand up and be world-class herself, admit she made a mistake and publicly apologize. For the last time, will she do that now?

Hon Mrs Caplan: The quote that the member has read into the record in the House today is a direct quote from the letter from the Toronto General Hospital, which it stands by as being completely accurate and factual.

Mr Eves: It's not factual.

Hon Mrs Caplan: It was presented to this House in good faith.

Mr Eves: It's not what the coroner's jury found.

Hon Mrs Caplan: I would say to him that the evidence before the coroner's jury was that in fact that information—

Mr Eves: You're wrong again, Elinor. Are you on vacation or what?

The Speaker: Order. I would remind the member for Parry Sound of standing order 20(b). Every member has the right to be heard without interruption by any other member except on a point of order.

Hon Mrs Caplan: That information was made available from the Toronto Hospital to hospitals outside of the province. The Huronia District Hospital had that information and Dr Nesdoly said that he knew of the number and decided not to call. Those were the facts. I had never questioned medical judgement. That letter only stated what was in existence at the Toronto General Hospital.

I would say to the member that I announced last June our intention to establish regional numbers to develop a network to share information. That is what we announced in June; that is what we are moving to implement. I would say to the member opposite that it is very important, when we talk about the health care system today, to realize that every hospital has its own system and that the health care system, we believe, can be improved by developing networks, sharing information and working together to provide the information—

The Speaker: Thank you.

Hon Mrs Caplan: —that doctors, hospitals and consumers need to make informed choices.

The Speaker: New question. The member for Nepean.

Mr Daigeler: We will see whether my question will elicit as many interjections as the previous one.

The Speaker: And to which minister?

PLASTICS RECYCLING

Mr Daigeler: It is to the Minister of the Environment, and he is always a pleasure with the opposition.

I was very pleased to learn that my own neighbourhood of Barrhaven was recently the subject of a Ministry of the Environment study on plastics recycling. This study found that plastics recovery is feasible through the blue box program. However, some people in Ottawa-Carleton and also, I understand, in the Toronto area, are raising questions about the economic viability of plastics recycling. Can the minister comment on these questions?

1420

Hon Mr Bradley: Yes, I certainly can. I want to commend those who have been involved in the Barrhaven project because I think it was particularly useful. There are several communities in

Ontario that are involved in plastics recycling—Mississauga and Guelph and here in Toronto—as well as Barrhaven. The demonstration project, certainly in my view, proves that such a project can work without requiring on-board compaction equipment and with only a small amount of extra time.

Mr Sterling: You going to pay for the loss, Jimmy?

Hon Mr Bradley: This is a good point. I am glad the member for Carleton has brought this out, because some people will try to point out that recycling is not cost-effective. What they do not take into account are the following things: the landfill site selection, the cost of expropriation, the loss of farm land, the cost of operating a modern, safe landfill site, the closure of the landfill site and the perpetual care and monitoring. I am convinced that if people will take into consideration what the real costs of landfill or incineration are, they will decide that, not only for the environment but for the bottom line, recycling is superior.

Mr Daigeler: I am glad that members of the opposition are taking an interest in this question, which I think is of very great importance across the province. My neighbourhood of Barrhaven took a great interest in this project of plastics recycling and I certainly hope we can continue this program. Can the minister outline what initiatives his ministry is taking to encourage new technologies and new markets for plastics recycling?

Hon Mr Bradley: I could probably name many, but I will pick only a couple of examples. First of all, our industrial 3Rs program provides assistance for all industrial and commercial sectors to take advantage of new opportunities for waste diversion from either landfill or incineration. Activities eligible for funding include feasibility studies, process or equipment modification or evaluation, demonstration projects and research.

There are a couple. Custom Cryogenic Grinding Corp received a grant of \$541,000 towards a recycling plant for plastic, rubber and leather. The plant now under construction will be able to process 13 million pounds of plastic. Polymer Development Corp recently received a grant of \$610,000 to help establish a scrap plastic recycling operation of municipal, commercial and industrial plastics presently destined for disposal. I will not go into the details of that, except to say—

The Speaker: Thank you.

PROPOSED HOSPITAL MERGER

Mr Reville: My question is for the Minister of Health. There is a panel reviewing the decision-making process about the merger between Women's College Hospital and the Toronto Hospital. The city of Toronto's medical officer of health is looking at the proposed merger from the perspective of access to health care, but we do not yet have the promised vision statement from the two boards and people are becoming increasingly concerned that the Toronto Hospital is being handed a blank cheque. Will the minister tell us what her view is of the future of Women's College?

Hon Mrs Caplan: I want to say to my critic opposite that I have confidence in the boards which govern the hospitals of this province. I often refer to them as nonprofit private corporations. The ministry, as the member knows, has agreed to an independent review of the process leading to the merger decision. It is my understanding that that team—if it has not already been announced, it will be very soon—will review the process that led to that decision.

Mr Reville: I have a lot less confidence in the track record of hospital boards involving the public in wide-ranging discussion about their future than the minister seems to have. Quite frankly, I remember, as an outside viewer, a 1983 statement by a gentleman member of this House, who is now the Premier (Mr Peterson). He said that there had to be wide public consultation with all the people affected by the decisions being involved. He said that on 15 February 1983. Further, the minister—and he meant the minister of the day—had an obligation to table in the House and share with everybody concerned all the facts about rationalizations or mergers of services.

Will the minister take the Premier's advice and table in the House all the information that she has about this merger so that people can assure themselves that the culture of Women's College Hospital will not be lost?

The Speaker: Thank you. The question has been asked.

Hon Mrs Caplan: I think I should declare openly in this House that I was born at Women's College Hospital, just so that if that matter comes out in the future, members might know. I would say to the member opposite that hospital mergers begin as initiatives from the hospitals. They are decisions that rest with the independent hospital boards.

I want him to know, however, that the ministry and I have been speaking about the importance of hospitals working together. They decide best how to do that, but it is important that we look at how services are provided and focus our attention not only on the process of decision-making, but also on ensuring ourselves that we have the most effective quality care whose results, often referred to as outcomes, will lead to a healthier society.

Mr Cousens: In spite of the fact that the Minister of Health was born at Women's College, we support it anyway.

The Speaker: Your question is to?

PROPERTY ASSESSMENT

Mr Cousens: My question is to the Minister of Revenue. On 17 October I asked the Minister of Revenue his views on Metro Toronto's proposal for market value reassessment. At that time, he indicated that the matter was under serious review by his ministry. It is now almost two months later and I would like to ask the minister, once again, where does he stand on market value reassessment for Metro Toronto?

Hon Mr Mancini: The matter is still under serious review.

Mr Cousens: Metro's commercial sector is going to be subsidizing Metro's property tax proposals. Commercial establishments will also be paying a new tax, the commercial concentration levy. A committee for Metro's finance officers has been established to prepare the implementation plan for market value reassessment. The Minister of Revenue will be paying \$11.5 million for a study to assess the property values in Metro. Is Metro's proposal for market value reassessment a fait accompli?

Hon Mr Mancini: The proposal is just that, the proposal of the corporation of the greater Metropolitan Toronto area. It is a proposal similar in some aspects and dissimilar in other ways to the more-than-600 reassessments that have already taken place here in Ontario. For a reassessment to take place the local municipality, the region or the county, must in fact pass a resolution asking for such a reassessment to take place. The responsibility, of course, therefore lies with the local municipalities.

Mr Cousens: So what are you going to do about it, Remo?

The Speaker: The member for Markham had already asked a supplementary.

TRANSIT SERVICES

Mr Matrundola: My question is to the Minister of Transportation. We are all aware of

the problem of traffic congestion in Metropolitan Toronto, and in spite of the federal government's cuts to Via Rail, our government has been making great strides in encouraging people to use public transit.

One way we have been encouraging public transit is through the expansion and promotion of GO Transit, especially the concept of driving to the station and parking the car there. His ministry has been doing an excellent job in this area, perhaps even too good of a job.

In Willowdale, at the Old Cummer GO station on Leslie Street, there is a very serious problem. There is very limited parking. The parking lot is normally filled to capacity quite early in the morning and people who drive to the station often have nowhere to park. I have three parking tickets here from local residents who could not find parking spots, so they parked at the side of the parking lot.

Interjections.

The Speaker: Order. Maybe the member should be careful with his request. However, I would like to hear a question.

1430

Mr Matrundola: Thank you, Mr Speaker. They are not my parking tickets; they are parking tickets of constituents of mine. I want you to know that. These people parked at the side of the parking lot, not blocking anyone and not on a fire route. As there is quite a bit of vacant land surrounding the GO station—

The Speaker: The question?

Mr Matrundola: —can we expect any expansion of the parking lots so that people can take GO Transit to work without facing any fines for supposedly parking illegally?

The Speaker: I have to ask the minister, did you hear the question, or would you like to hear it again?

Hon Mr Wrye: I should tell the honourable member I received a parking ticket on Saturday morning while I was selling newspapers for the Goodfellows back in Windsor. I hope my friend the member for Windsor-Riverside got one as well, because we left at about the same time. I paid the ticket, and I certainly would not want to leave any impression that I have anything but sympathy for the parking ticket. Please do not send it over here on a supplementary.

I can tell the honourable member that we do have a problem at Old Cummer station and indeed a lot of stations on the GO route, as the very outstanding expansion of that system has led to some difficulties in terms of parking. We are

having a meeting, I believe next Wednesday, with the affected councillors and indeed with those who are involved in studies in North York, as phase 2 of the planning study that is now under way in terms of expansion of the parking facilities at Old Cummer station. It is a problem we are trying to resolve.

Mr Matrondola: Even though the honourable members of this House may think this is a funny thing, it is not funny for those people who go to work to earn a living and park their cars there and they find a parking ticket when they come back home.

In the meantime, can the minister ask GO Transit security people to use their discretion not to ticket cars that may be parked illegally, provided of course they are not blocking anyone or interfering with the traffic flow? Furthermore, can anything be done to void those parking tickets that people have received from GO Transit?

Mrs Marland: Bill, it's your chance not to be a Scrooge.

Hon Mr Wrye: There is a suggestion that in the spirit of the Christmas season perhaps I should announce that all tickets are voided, but GO Transit certainly has the authority in this area to hand out tickets and I would not want to impinge upon its authority.

I can say to the honourable member and to the House that the enforcement officials of GO Transit, who do on occasion give out tickets, also on a lot of occasions do use the discretion that is given to them and try to show some sensitivity in such cases. We realize we have an important challenge. I hope that members of the public, recognizing that we do have these challenges which we are trying to meet, will also meet the challenge in their own way by enhancing the amount of car pooling that is being done in an effort to alleviate some of the problems that are occurring.

SOCIAL ASSISTANCE

Mr Allen: I have a question for the Minister of Community and Social Services. A constituent of mine, Janice Reidel, a 44-year-old nurse afflicted with severe arthritis, has had to retire. She applied successfully to vocational rehabilitation for a program, but when she applied to family benefits for a personal support allowance she was refused because she has in excess of \$3,000 in a registered retirement savings plan which arose out of the transfer of her pensionable savings as a nurse into an RRSP, which is currently in trust with a company.

Is that fair, and what is the minister doing about the asset rules that would relieve persons like Janice Reidel from the kind of treatment that she has received in seeking to retrain herself for a new occupation?

Hon Mr Beer: I am not aware of the specifics of the particular question the member raised. In terms of the amount, I know that is at the limit of what is allowed by the federal government at this time. We have received from a number of people questions around this, and at the last federal-provincial meeting of ministers responsible for social services we raised this issue in terms of looking at how we could make some changes to reflect changes in the world around us and problems of the sort that the member mentioned. I would be certainly prepared to look at that specific case, but it does go beyond what we in the province are able to do ourselves in making changes to those rules.

Mr Allen: This question was laid on the minister by the Social Assistance Review Committee, as he may recall. The legislation under the Canada assistance plan allows us as a province to determine what is or is not a liquid asset and to establish our own asset ceiling. Secondly, the CAP guidelines permit assets above ceiling if the money is in a special fund or trust for purposes deemed socially important by the provincial administration.

Is it not important that Janice Reidel have a hedge against being one of those single poor women who are one of the most important and difficult poverty sectors we face? Is that not a socially important consideration for this administration?

Hon Mr Beer: Indeed, and I think that would be one of the directions we would want to go. I would have to say that in making changes to the specific rules and guidelines, we have to be aware of what their implications are. I can tell the member that I will look specifically at this case to see in which way we can help and provide assistance. I say as well to the member that we are looking at that specific matter; it has been raised with me during the fall by different organizations, and we are trying to come to some determination of how we can help. There are some areas with respect to this question where I believe we have been able to make some positive changes around the question of assets, but we have not been able to fully deal with that issue. I will make the commitment to deal specifically with the individual in question and to continue to try to resolve the broader question.

ELECTRICITY DEMAND AND SUPPLY

Mr Cureatz: I have a question for the Minister of Energy. Last week my colleague the member for Leeds-Grenville (Mr Runciman) asked the Minister of Industry, Trade and Technology (Mr Kwinter) whether he was concerned about the lack of electricity being provided to Ontario industries.

I have been contacted by the president of Lasco Steel, located in the town of Whitby. I represent a portion of that municipality. He indicated to me that three days last week he had to shut down his plant and send 250 employees home, because Ontario Hydro could not produce electricity. This is while Ontario Hydro is telling us to unplug Christmas lights, and at the Darlington generating station, located in my riding, there is a huge billboard all lit up with Christmas lights saying, "Season's Greetings."

Would the minister please confirm to this House that the reason Ontario residents and employees are suffering a lack of electricity is that this government has not made adequate plans since it has taken office and since the accord in 1985?

Hon Mrs McLeod: No, I will not confirm that interpretation of the facts. Last Thursday, when the Minister of Industry, Trade and Technology was asked the question about interruptions of power to specific industries, I had just returned to my own riding of Thunder Bay from witnessing the signing of the Manitoba purchase agreement, which is a part of the plans that Ontario Hydro is putting in place to ensure security of electricity supply in the future.

I heard the Minister of Industry, Trade and Technology very correctly indicate that the only industries which had their power interrupted were those that had a portion of their power purchase on interruptible contracts, knowing that at points of potential shortages, very short-term shortages, power could be interrupted for short terms. As I am sure the member is aware, those companies secure that power at quite reasonable rates in return for that prospect of its being interruptible, and Ontario Hydro has a very remarkable rate of ensuring reliability of electricity and has very, very rare shutdowns even to its interruptible customers.

As the member knows, I am also aware of the plans Ontario Hydro is currently putting in place to ensure long-term supply.

1440

Mr Cureatz: Speaking of the Manitoba agreement, how could the minister and her

administration agree to signing a contract worth billions of dollars when in the first place that kind of money could be spent in Ontario on the construction of a new station, for instance a Darlington B? Secondly, why would she enter into the agreement before Ontario Hydro has even announced its demand-supply options study, which was supposed to have been announced in September, then October and then November?

Hon Mrs McLeod: I am sure the honourable member is well aware that negotiations on the prospective out-of-province hydro purchases have been going on for some time. It was important to determine whether or not those negotiations could be successfully concluded, both for Manitoba Hydro, which is looking at a very major power generation project which is important to that province, as well as for Ontario Hydro, so they would know whether or not the prospective purchase of out-of-province electricity could be a part of those plans, which in fact they are going to table with the government very shortly.

I think the honourable member will be well aware that we have announced an environmental assessment review process, and the Manitoba purchase agreement will be a part of our environmental assessment review. As to the issue of why out-of-province purchase is a part of the options that Ontario Hydro will want to present, I think Ontario Hydro is looking at a diversity of options, and I think that there will undoubtedly be other proposals that Hydro brings forward in its plans.

As for Ontario jobs, there are some very positive spinoffs, not only in terms of reliability of electricity but in terms of economic opportunities for northern Ontario, through this possible purchase.

HAMILTON HARBOUR

Ms Oddie Munro: My question is to the Minister of the Environment. The development of Hamilton's waterfront is of great interest, excitement and concern to all Hamiltonians. As the minister knows, our plans are wide-ranging and diverse, and I was pleased to note his involvement in CHCH-TV's recent program dealing with the waterfront. It is important to note we recognize that environmental cleanup and restoration of our harbour is critical to development of the waterfront.

My question is, can the minister tell me when he will be in a position to arrange a meeting with

the city of Hamilton on the cleanup activities proposed for the Lax lands?

Hon Mr Bradley: I think the member would know that the land was expropriated in 1984 by the city of Hamilton for recreational purposes and that in 1986 there was an undertaking and actual processing of taking some contaminated soil away for appropriate disposal. It was discovered subsequently that some 13,000 tons of waste still has to be taken away to make it usable.

The city, I understand, has now put forward a formal proposal. I know the mayor, Bob Morrow, is very enthusiastic about this and is eager to proceed with it. It offers a lot of opportunity for Hamilton. Certainly, I think we should be in a position next week to have the Hamilton district office of the Ministry of the Environment meeting with the city of Hamilton to look at the details of that proposal and to come forward with a funding formula.

I already gave a commitment in 1986 on the part of the provincial government to participate by providing funds from our environmental security fund to assist in this regard. That offer stands, and I am very pleased to know that in the very near future there will be a meeting between our officials to work out the details.

Ms Oddie Munro: I am looking forward to the outcome of that meeting. With respect to the environmental cleanup of the harbour, could the minister indicate the potential impact of the municipal-industrial strategy for abatement regulations affecting the iron and steel sector? What is the status of the implementation of such regulations?

Hon Mr Bradley: There will be an impact. The first part is dealing with some remedial work; the second part with some preventive work. As of 1 November 1989, the MISA monitoring regulation went in for some seven iron and steel plants in the province, including the ones located in the city of Hamilton.

Final discharges to waterways will be monitored daily for four different substances, three times a week for 12 contaminants and weekly for eight to 12 substances. Monthly and quarterly monitoring for a group of contaminants that sums 86 to 149 contaminants will also take place. There will be monthly biological monitoring that will be required, involving toxicity tests on mill effluents using rainbow trout and water fleas.

With the results from this in hand, there will be formulated a very tough program of abatement, which is the second portion of the regulation, which will have the preventive effect of bringing

further reductions in the contaminants that will be going into the waterway, with the final goal being the virtual elimination of persistent toxic substances going into Hamilton harbour.

REGIONAL MUNICIPALITY OF NIAGARA

Mr Wildman: I have a question for the Minister of Municipal Affairs regarding the \$400,000 Niagara regional review report which was completed by Professor Harry Kitchen of Trent University and to which the minister has requested reaction.

The report proposes to abolish single lot severances of good agricultural land, a recommendation which is directly contrary to the opportunistic suggestion of his colleague the Minister of Agriculture and Food (Mr Ramsay) in a speech to the Niagara Federation of Agriculture on 21 October that restrictions on urban development of farm land be eased.

Could the minister clarify whether he or the Minister of Agriculture and Food speaks for government policy in this matter?

Hon Mr Sweeney: I am fairly certain that my honourable friend is well aware of the fact that Harry Kitchen's report is Harry Kitchen's report; it is not the government report. When I went down to Niagara to officially make the report public, I made that very clear to the people down there, including all of the municipal officials, and I must say to my honourable friend that there was some strong difference of opinion.

Hon Mr Bradley: How could you leave him time for a supplementary?

Mr Wildman: The Minister of the Environment wonders why the minister left time for a supplementary. Could the minister indicate how long he intends to leave time for reaction and when he, as the minister responsible, will be stating government policy with regard to land severances of good agricultural land in the Niagara region?

Hon Mr Sweeney: We indicated last week that we wanted reaction by 31 May 1990 and that how widespread the reactions were, or how closely they were, would determine how long it would take me to give government reaction.

PETITIONS

ANIMALS FOR RESEARCH

Mr Wildman: I have a petition signed by approximately 3,400 residents of Ontario, mostly from the Metropolitan Toronto region, requesting that the Parliament of Ontario pass into law a bill prohibiting the use of animals in

cosmetic and product testing; that is, Bill 190. This raises the total of signatures to approximately 76,400 residents of Ontario supporting Bill 190's passage. I have added my name to it and I support the petition.

NATUROPATHY

Mr Kanter: I have two petitions, each gathered by naturopaths practising in my riding and each signed by approximately 100 residents, many of whom are residents in my riding, asking the Ontario government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment. I have signed each of these petitions and would present them to the Legislature.

FRENCH-LANGUAGE SERVICES

Mr MacDonald: I have three petitions from the Quinte area that I am presenting today. All of these petitions were signed by citizens who oppose the French Language Services Act. I have affixed my signature according to the standing orders.

Mr Matrundola: I have a petition to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows;

"Whereas the French ethnic population of Ontario at the time of Confederation was less than 1.85 per cent, and

"Whereas all ethnic groups residing in Ontario at the time of Confederation can claim to be founding people, and

"Whereas the French Language Services Act of the province of Ontario creates a special status for 4.5 per cent of the provincial population, and

"Whereas the creation of a special status for one ethnic group discriminates against all other ethnic groups comprising 95.5 per cent of the population and is a source of disunity within the province,

"Wherefore, the undersigned humbly pray and call upon the Legislature of the province of Ontario to pass legislation repealing the French Language Services Act, being the Statutes of Ontario 1986, chapter 45."

It is my duty to present the petition, which is signed by 36 residents of the riding of Willowdale. The petition calls upon the Legislative Assembly to repeal the French Language Services Act. As required by the standing rules, I have affixed my signature.

The Speaker: I might remind the honourable member, he might take another look at the new standing order 35 pertaining to petitions.

1450

LICENSING OF TOBACCO PRODUCTS

Mr Allen: I have 11 names on a petition to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario which is essentially a demand for the licensing of tobacco products which they argue should not be left to the whim of municipalities as provided under the Municipal Act but should be included in provincial legislation. They urge the Minister of Health (Mrs Caplan) to move speedily in that direction and ask her why the government has not, to date, introduced a licensing system to control this, since it is the only hazardous product available in Ontario, the sale of which is not controlled by government.

ORDERS OF THE DAY

House in committee of the whole.

COURTS OF JUSTICE AMENDMENT ACT, 1989

Consideration of Bill 69, An Act to amend the Courts of Justice Act.

The Chair: At this moment, I would like to list all possible sections on which members would like to make comments, propose amendments or ask questions. I have in front of me government motions for sections 1, 2, 3, 4, 7 and 8. Do other members have a list of proposed amendments?

Mr Sterling: It might be easier, in this bill, to list the sections to which there are no amendments.

The Chair: There being no other proposed amendments, let us have a look at section 1.

Section 1:

The Chair: Mr Polsinelli moves that clause 90(1)(va) of the act, as set out in subsection 1(1) of the bill, be struck out and the following substituted therefor:

"(va) the method of calculating the amount to be included in an award of damages to offset any liability for income tax on income from investment of the award."

The Chair: Did the parliamentary assistant provide copies for everyone?

Mr Polsinelli: I understand the critic from the official opposition does not have copies of the amendments. They were delivered yesterday to the substitute critic, who was acting on his

behalf, but I will ensure that copies of these amendments are sent also to the critic.

This motion would broaden the language of the proposed act to ensure that the rules committee can provide for rules for all circumstances that may require gross-up calculations. In particular, this section gives the rules committee of the Supreme and District Court the power to make rules that will guide the court in making calculations for what is known as gross-up. The current wording makes this possible, but only where it relates to the cost of future care. This broadens the rules committee's powers in that section.

Mr Sterling: Before I get to the substance of the amendment, as I have mentioned and as you pointed out, Mr Chairman, we have a bill with seven substantive sections and we have nine amendments. I want to ask the parliamentary assistant what kind of consultations have gone on with the Advocates Society and the Canadian Bar Association, in particular, and the rules committee, with respect to the amendments which are being presented by the parliamentary assistant at this time?

Mr Polsinelli: I am informed that the rules committee has copies of all the amendments and these particular amendments are as a result of comments on the bill since its introduction and first reading.

Mr Sterling: When did they receive copies of these amendments, and have the Canadian Bar Association and the Advocates Society, who deal with these on a day-to-day basis, also received copies of these amendments?

Mr Polsinelli: I am informed that the Advocates Society has not received copies of these amendments.

Mr Sterling: When did the rules committee receive these? Have they considered them and responded to these particular amendments which are being put forward at this time?

Mr Polsinelli: The rules committee does not have these amendments. I understand that they do not need them. They have a request to develop all the possible rules that will be developed as a result, not only of this act but also of Bills 2 and 3.

Mr Sterling: That is kind of a strange answer, that I guess they do not need them because they could do anything anyway, with or without the statute, so why do we need the amendments in the first place, or why do we need the statute in the first place?

Basically, as I understand it, this statute gives them certain parameters to work within. What I would like to know is whether or not there has been adequate time for response. Notwithstanding the desire of everybody to get on with this, I cannot emphasize enough my concern as to whether or not it is wise to do so at this juncture.

Mr Polsinelli: I am advised that we do not normally circulate these to the rules committee. The rules committee makes the rules as a result of the legislation that is passed by the House. In terms of this particular legislation and these amendments, we have consulted with the bar, both the practising bar in Toronto and in Ottawa, and the official guardian's office. Once this legislation is passed, there will be an obligation on the rules committee to develop the rules as a consequence of this legislation.

Mr Sterling: I am not referring to the amendments as proposed in Bill 69; I am referring to the amendments to the amendments which we were given yesterday—the amendments to the amendments. Because I know those amendments were drawn over the weekend and in fact were being drafted only yesterday, and we received this version of the amendments only during question period, at approximately 2:30 yesterday afternoon, I would be greatly surprised if in fact the member had consulted with the bar or the rules committee or anybody else with regard to these amendments which he is presenting today in committee of the whole House.

1500

I guess he is confirming that on this package of amendments, these nine amendments which I have on my desk, he has not consulted with any of the profession or the rules committee other than the general consultations that might have taken place prior to the presentation of Bill 69. Is that correct?

Mr Polsinelli: I would have to agree with the member for Carleton. As a result of first reading, we consulted, as I said, with the bar, both the practising bar in Toronto and in Ottawa, with the official guardian's office and with private practitioners. As a result of our consultation with those individuals, we developed these amendments which we feel will satisfy some of the questions and concerns that they had as a result of the bill. They feel these amendments will make this a better, more palatable and fairer bill.

Mr Sterling: My only concern when we are amending rules like this, a lot of which in effect acts in a retroactive way to existing court actions that are under way in the court system already, is

that in fact they be right and they be logical and they be well thought out. Our most recent experience with other court reform has indicated that the Attorney General's office has not acted always in that manner. I, of course, speak of Bills 2 and 3 which, 10 days after passing, were amended by another bill which indeed was amended during the legislative process once again.

I will go to the substance of the present motion. Under Bill 69 as introduced on 23 October of this year, the minister has indicated the method of calculating the amount to be included in an award of damages for future care to offset liability for income tax. That is what he had in the original proposal on Bill 69, which we passed on second reading yesterday. He has now changed that to this amendment which changes certain words of it, and I find those words more confining, not more generic in how they are laid.

I did not get the sense that the parliamentary assistant was pointing to that. Under this proposal, he is saying, "the method of calculating the amount to be included in an award of damages to offset any liability for income tax on income from investment of the award." To me, those words are more confining than those that he originally had. Is that his intent, to confine, or is it to give the rules committee more power?

Mr Polsinelli: It is clear that our intention is to broaden the scope of powers that the rules committee would have. If I can give an example to the member for Carleton, we would not think, for example, that it is inappropriate for the rules committee to consider other than the income tax aspects, which would normally have been taken into consideration under the first amendment. With this amendment, they would be able to consider, for example, the loss of future income from a dependant that the plaintiff would have been entitled to, if not for the accident or for the tort claim. So it is clearly our intention to broaden the powers of the rules committee in developing rules.

Mr Sterling: The intention with regard to this amendment is to give the rules committee some powers, but this amendment to the amendment which we are debating today adds the words "on income from investment of the award." If the parliamentary assistant did not have those words in it, as Bill 69 now has excluded those words, to me, that gives the rules committee more power to make calculations and rules than what he is proposing today. In other words, he has seen between 23 October and today a need to limit the power of the rules committee on setting the

method of calculating these amounts. If that is correct, I would like to ask him why he wants to limit the rules committee in that regard.

Mr Polsinelli: I am advised that the key to the amendment is that we are now removing the words "for future care." What we are doing with this is just clarifying the section and we believe that the net result will be a broadening of the powers of the rules committee.

Motion agreed to.

Mr Polsinelli: I would ask the unanimous consent of the House to place this next amendment.

The Chair: Why?

Mr Polsinelli: We have been advised by the clerk that, otherwise, this amendment would be out of order because it refers to a subsection that was not initially amended by Bill 69, as a result of which we are technically required to ask for unanimous consent of the House to place this before the House.

The Chair: Is there unanimous consent to place this amendment?

Agreed to.

The Chair: Mr Polsinelli moves that section 1 of the bill be amended by adding thereto the following subsections:

"(3) Subsection 65(2) of the said act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clauses:

"(ua) the method of calculating the amount to be included in an award of damages to offset any liability for income tax on income from investment of the award;

"(ub) the discount rate with respect to the rate of interest on damages for nonpecuniary loss.

"(4) Section 65 of the said act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following subsection:

"(4) Rules made under clauses (1)(p)(ua) and (ub) shall be reviewed at least once in every four-year period."

Mr Polsinelli: When Bill 2, the court reform bill, is proclaimed, it will make changes to the constitution of the rules committee. This motion will add a subsection that preserves these amendments after Bill 2 is proclaimed.

Motion agreed to.

Section 1, as amended, agreed to.

Section 2:

Mr Polsinelli: We have no motion with respect to this section. However, it is our

intention to delete this section from the bill. This section codifies the court's power to do a gross-up calculation and this motion repeals it so that it can be merged with the next section, section 129.

The Chair: I will explain to you that the correct procedure is to vote against this section standing as part of the bill. Therefore, you may move it, so we can vote against it.

Mr Polsinelli: When you call that section 2 of the bill be carried, I will say no.

The Chair: In that case, let's simplify this even more. Shall section 2 stand as part of the bill?

Section 2 negatived.

1510

Section 3:

The Chair: Mr Polsinelli moves that clause 129(1)(b) of the act, as set out in section 3 of the bill, be amended by striking out "requests an increase" in the first line and inserting in lieu thereof "requests that an amount be included."

Mr Polsinelli: We feel that this is an improvement on the wording of clause 129(1)(b). It is not a substantive motion.

Motion agreed to.

The Chair: Mr Polsinelli moves that section 129 of the act, as set out in section 3 of the bill, be amended by adding thereto the following subsection:

"(2a) In considering the best interest of the plaintiff, the court shall take into account,

"(a) whether the defendant has sufficient means to fund an adequate scheme of periodic payments;

"(b) whether the plaintiff has a plan or a method of payment that is better able to meet the interests of the plaintiff than periodic payments by the defendant; and

"(c) whether a scheme of periodic payments is practicable having regard to all the circumstances of the case."

Mr Polsinelli: We feel that this gives the court a bit more flexibility and guidance in determining what the best interest of the plaintiff is. It would not be, for example, in the best interest of the plaintiff if the court were to order a structured settlement which would be beyond the policy limits of the insurance of the defendant's insurer or in similar cases where the court feels that it is not in the best interest of the plaintiff, it can refuse to order a structure and can look at some alternative judgement.

Mr Sterling: I had understood, with what was already proposed in the act, that the court would have a pretty unfettered discretion to make whatever order it thought was right. I am just somewhat concerned about whether or not, when taking into consideration the best interests of the plaintiff, the parliamentary assistant should consider whether or not the defendant has sufficient means to fund an adequate scheme of periodic payments.

I just wonder whether or not the argument might be put forward that, as often happens in family court cases, the defendant loads himself up with a tremendous amount of debt obligation, almost on purpose, to avoid any periodic payments he might be required to make either for his spouse or for children. Therefore, I just wondered whether this could be interpreted in any way as acting against the best interests of a plaintiff spouse in a family court situation.

Mr Polsinelli: We do not see the situation of a defendant loading up on debt to avoid a structure, because the alternative to that would be a lump sum payment.

Mr Sterling: I know the parliamentary assistant is relatively new to the bar, but notwithstanding that, I think it only takes a very short period of experience in the family court to understand what happens. Often a spouse, primarily the man, wants to avoid making any kind of maintenance payments for his wife or his children and goes out and buys a big expensive car with high payments on it and then submits his budget to the family court and says that his take-home pay is, for the sake of simplicity, \$2,500, but he has \$600 in car payments. I do not know whether this encourages the defendant to do that kind of thing. Quite frankly, I do not know what the necessity of the section is in the act.

Mr Polsinelli: I am having some difficulty understanding how this would apply in a family law action. My understanding is that it only applies to actions that are generally personal injury actions. In this type of situation, what we have is the court having to make a decision between a lump sum payment, a judgement for X amount of dollars, or whether it would be more appropriate and in the plaintiff's better interest to award a structured settlement that would cost \$120,000.

When we are talking about periodic payments, we are talking about the monthly or regular payments that are made pursuant to an annuity, or some type of structure that would be imposed by the court in this type of situation. Again, what we think this does is provide the court with some

guidance in determining what the best interest of the plaintiff is in this particular situation. If they find that a structured settlement or a particular structure is not in the plaintiff's best interest, they may order something else such as a lump sum payment, for example, or a different type of structure.

Mr Sterling: I want to refer the parliamentary assistant to subsection 129(1) of the act where it says, "In a proceeding where damages are claimed for personal injuries or under part V of the Family Law Act." That is why I am referring to the family court situation which could result when combined with a personal injury. But that is no question.

Mr Polsinelli: Part V of the Family Law Act that is referred to in subsection 129(1) is the section that allows for derivative actions to be placed by the relative. It is narrowly defined as to who can bring that type of action, but if a parent were to bring a derivative action on behalf of a child who was injured tripping on a sidewalk in front of a grocery store, or something in that nature, it still narrows it to a personal injury type of action.

Motion agreed to.

The Chair: Mr Polsinelli moves that section 129 of the Act, as set out in section 3 of the bill, be amended by adding thereto the following subsection:

"(4) If the court does not make an order for periodic payment under subsection (1), it shall make an award for damages that shall include an amount to offset liability for income tax on income from investment of the award."

Mr Polsinelli: This motion makes the subsection clear in providing first that the gross-up is to be ordered if a structured judgement is not ordered. Second, it broadens the language so that the courts' power to gross up is not limited to the cost of future care.

Motion agreed to.

Section 3, as amended, agreed to.

1520

Section 4:

The Chair: Mr Polsinelli moves that subsection 130c(4) of the act, as set out in section 4 of the bill, be amended inserting after "but" in the second line "shall be disclosed."

Mr Polsinelli: This is not a substantive amendment. It just improves the language of the amendment.

Motion agreed to.

The Chair: Shall section 4, as amended, carry?

Mr Kormos: Mr Chairman.

The Chair: Yes. On section 4?

Mr Kormos: Yes, please. The section refers to new sections, amendments proposed by section 4. Sections 130a and 130b talk about damages for personal injury. It is surely ironic that this legislation would speak of damages for personal injury. The parliamentary assistant gave the illustration of a person slipping and falling on a sidewalk, perhaps on a patch of ice left behind by a negligent property owner who showed a complete lack of care for pedestrians, people using that sidewalk in front of his business or in front of his home.

What happens is that in this province, if this government has its way, the person who slips and falls on a piece of ice that was negligently left behind by a property owner will be able to get compensated for his or her pain and suffering, for his or her damages for personal injury, exactly what these sections talk about. But if that same person here in the province of Ontario is struck down by a drunk or a negligent or a careless driver, this government is saying no.

That same person who is struck down, whose legs are broken, whose back is broken by a drunk or negligent or careless driver, will not be able to seek compensation for personal injury, will not have 130a and 130b considered on his or her behalf, because this very same government that proposes these amendments now is at the same time telling people who are going to be the innocent victims of drunk, negligent, careless and reckless drivers, "No, we are going to deny you the right to be compensated for your personal injuries."

There will not be any talk about collecting damages for personal injuries by way of compensation because they are going to be protecting that negligent or drunk or careless or reckless driver and they are not going to be permitting the victim to accept or receive or even claim compensation for pain, for suffering, for loss of enjoyment of life.

Indeed, what we are speaking of, of course, is the juxtaposition of this particular Bill 69 with its predecessor numerically, that is, Bill 68. Bill 69 on the one hand speaks so boldly of damages for personal injuries, but Bill 68 took away the right of at least 95 per cent of all innocent injured accident victims, motor vehicle accident victims here in the province of Ontario to even think about being compensated for their personal injury.

I am wondering if the parliamentary assistant could comment on the irony inherent in that particular juxtaposition.

Mr Polsinelli: It is usually very difficult for me to comment on irony, but I will bring to the member's attention that the advance payments that are contemplated under this bill are presently available to individuals who are involved in auto accidents under section 224 of the Insurance Act.

What we are doing is extending that provision, or not necessarily that provision but a similar provision, to all tort cases and not just auto cases. So the slip-and-fall case that I gave as an example earlier would not be entitled to the same benefits as someone who was involved in an auto accident today would be entitled to.

Mr Kormos: It is incredible that the parliamentary assistant could say that because he knows or he certainly should know that Bill 68 is going to take away the right of at least 95 per cent of those innocent injured accident victims to look for compensation for personal injury. How can he talk in the manner that he just has? He knows better than that. Shame on him.

Section 4, as amended, agreed to.

Sections 5 and 6 agreed to.

Section 7:

The Chair: Mr Polsinelli moves that clauses 140(2)(g), (h) and (i) of the act, as set out in section 7 of the bill, be struck out.

Mr Polsinelli: I think they are fairly self-explanatory.

Mr Sterling: I cannot understand why the parliamentary assistant wants to take these particular clauses out when basically this section is trying to give direction to the court to punish litigants by varying the rate of interest that they might be able to receive on their damages by taking into consideration various factors.

The first of the three factors that they want to erase from the original Bill 69 is "the fact that a step in the proceeding was improper, vexatious or unnecessary." In fact, if a litigant, a lawyer or a client through his lawyer takes a step that is improper, vexatious or unnecessary, quite frankly we believe that that litigant should be penalized in some form. Otherwise, the whole thrust of this legislation will be lost. We want this legislation to encourage people to act in a reasonable, sane manner in dealing with litigation before our courts.

The next one that was removed is "the fact that a step in the proceeding was taken through negligence, mistake or excessive caution." Again, we believe that if in fact a party is

negligent in the action, causes an undue delay, causes a party to not receive the damages within time, that should be penalized as well in a striking of the interest rate that the defendant should be entitled to.

The third one they are striking out is "the fact that a party denied or refused to admit anything that should have been admitted" during the proceedings. In other words, if a particular fact is self-evident to everyone and one of the sides requires, for instance, the proof of a fact which is self-evident and can be proved perhaps with some difficulty by bringing witnesses from afar or providing affidavits or whatever proof is necessary, if that can be admitted up front, it saves the time of the court, it saves the expense of the court, it saves the expense of the litigants, and therefore we believe that it should also be reflected in the interest rate that the judge hits when he is deciding on damages in the final analysis.

Quite frankly, we do not understand why the government wants to take out these three sections which we believe would speed up, would lead to less cost in litigation, when that is what the whole bill is all about. Perhaps the parliamentary assistant could explain it.

Mr Polsinelli: The three clauses that we are taking out, clauses (g), (h) and (i), we believe are covered by clause (f), and that is what we have been told by the practising bar. That section says "the conduct of any party that tended to shorten or to lengthen unnecessarily the duration of the proceeding," and we have been told by the practising bar that that effectively covers those items that are listed in (g), (h) and (i). So there is no discretion taken away from the court in determining the plaintiff's entitlement to interest.

The other factor that we should take into consideration is that these are items that really apply to the cost of the action, and the judge has the discretion under the rules of civil procedure to take these particular items into consideration in awarding costs. In fact, clauses (g), (h) and (i), which we are taking out of this particular bill, are very, very similar in wording to the rules of civil procedure.

1530

The Chair: Any other comments? Ready for the vote? Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

Section 7, as amended, agreed to.

Section 8:

The Chair: Mr Polsinelli moves that section 8 of the bill be struck out and the following substituted therefor:

“(1) The amendments to the Courts of Justice Act, 1984, enacted by this act, except for the amendments enacted by subsections 1(3) and (4), section 4 and subsection 6(2), apply to causes of action arising after the 23rd day of October, 1989.

“(2) The amendments to the Courts of Justice Act, 1984, enacted by section 4 and subsection 6(2) of this act apply to,

(a) actions commenced but not settled or adjudicated upon before this act comes into force; and

(b) causes of action arising after this Act comes into force.

“(3) Subsections 1(3) and (4) come into force on the day that section 2 of the Courts of Justice Amendment Act, 1989, being chapter 55, is proclaimed in force.”

Mr Polsinelli: Consultation has told us that some of these amendments, particularly the guidance to juries on quantum, appeal court power to substitute their assessments or the advance payments provisions, should be made available to the practising bar and to the plaintiffs as quickly as possible. Accordingly, we are making those amendments.

The Chair: Any comments? Ready for the vote? Is it the pleasure of the committee that the motion carry?

Motion agreed to.

Section 8, as amended, agreed to.

Section 9 agreed to.

Section 10:

Mr Sterling: I have not submitted an amendment to section 10, but I thought that a more appropriate name for the short title of this act would be the “Fifth or Sixth or Seventh Courts of Justice Amendment Act, 1989.” I think that would be more appropriate. I am not sure what number it is. Perhaps the parliamentary assistant could tell me how many times we have amended the Courts of Justice Act this year.

Mr Polsinelli: The member for Carleton, being a practising lawyer, knows that the Courts of Justice Act is a very comprehensive document that controls the structure of the legal system and the administration of justice in this province.

Quite frankly, I do not think we can have enough situations where we try to make it better, more equitable and fair for the people of the province.

Mr Sterling: I am concerned that we make it right when we do it. The past experience has been that it has not been right. I expect that early in March, when we reconvene, we will have the Courts of Justice Amendment Act, 1990 before us.

Section 10 agreed to.

Bill, as amended, ordered to be reported.

EMPLOYER HEALTH TAX ACT, 1989

Consideration of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

The Chair: As usual, I would like to list the proposed amendments. The clerk assistant has just delivered a fine package of third-party motions.

Hon Mr Mancini: With your permission, I would like to move down and also have permission for my officials to join me.

The Chair: Please go ahead, Minister.

Hon Mr Mancini: I understand we have not yet received the reprinted bill. We believe that three government motions were carried in the committee. I want to ask whether or not you could confirm that, or if you do have a reprinted bill, we would prefer a copy.

The Chair: We have a reprinted copy here on the table. It just came in today, by the way.

I wanted to ask the member for Beaches-Woodbine, have you circulated copies of the proposed amendments to sections 40 and 41 that you just submitted?

Ms Bryden: Yes.

The Chair: Including to the interpreters and Hansard?

Ms Bryden: No, I did not.

The Chair: No? Can I remind members, it is habitual procedure, two hours ahead of time, to give seven copies to the table so that we can give them to all the clerk assistants, legislative counsel, Hansard and interpreters, please. Thank you.

I have quite a number of proposed amendments, sections 1, 2, 3, 7, 20, 20a, 32, 36, 40 and 41 from the official opposition; section 41 also from the government; section 41 also from the third party. Does that cover it, more or less.

There are no more unannounced proposals to come forward.

In that case, can we look at subsection 1(1), definitions, as a third party motion?

Hon Mr Mancini: Excuse me, are we starting from the beginning again? Are we not starting from where the committee left off? We are asking for your guidance on this.

The Chair: From what I have been told, we start on section 1 from scratch.

Hon Mr Mancini: Does that mean the government must remove its amendments?

Mr Sterling: No, they have been passed.

The Chair: I have been told that the amendments that you had passed before are already in the reprinted version, so you do not have to deal with those again, but as this is a different committee, we have to start from scratch at section 1 again.

Hon Mr Mancini: You are saying maybe we are going to give the member for Cochrane South (Mr Pope) another chance. Is that what you are telling us, Mr Chairman?

1540

The Chair: That sounds like a fair interpretation.

Hon Mr Mancini: I think in the spirit of the season, we should allow that.

Mr Sterling: On a point of order, Mr Chairman: I want to make it clear to the minister that if he reads the standing order, he should understand that it is not in the spirit of his giving us anything. We, as members of the Legislature, have the right to present amendments at all stages of the process, in committee, or even if the committee is usurped by the government members and it is sent back here, we have the right to present those amendments.

I appreciate his kindness in the spirit of the Christmas season, but surely if he wants to convey to us his good wishes, he will do it in some other manner after we prorogue or we leave this evening—perhaps take all the members involved in this out to dine with him this evening or something of that nature.

Ms Bryden: On the point of order—

The Chair: No, it is not speaking on a point of order, it is just an explanation. I just want to say, in the spirit of the House, let us proceed with the member for Cochrane South.

Mr Pope: As I was saying, in order to expedite this process, and I mean that, I wanted to ask the minister if he could reply under section 1 to a number of questions that we have. Will he

confirm the information that was given by the member for Middlesex (Mr Reycraft) and Mr Orsini last week in the standing committee on finance and economic affairs on Thursday, 7 December 1989? It is found on pages 36 and 37 of the instant Hansard report.

We just want to get the minister to confirm that in fact for January, February and March 1990, the payroll tax will bring in to the coffers of the province of Ontario approximately \$500 million in that three-month period. I will quote the answer from Mr Orsini on page 37. "There are no premiums collected in the January-February-March period, but the payments made for January, February and March would amount to over \$400 million, approximately \$435 million."

I want to expedite this exercise here, and we can get on to the amendments. Will the minister confirm that the employer health tax will bring in, in January, February and March, \$500 million in payroll tax and, at the same time, OHIP premiums collected for the same period will bring in an additional \$435 million?

Hon Mr Mancini: We have had long and continuous discussions, I believe, on this particular matter. I think I have told the House and the honourable members as often as they have asked that under the system that is in place now, where people are paying premiums, we are in fact covering 13 per cent of the health care bill. Under the new system, we will be covering 16 per cent of the health care bill.

I believe the honourable member knows full well that under the old system, which was premium driven, some employers paid full premiums on behalf of their employees, some paid partial premiums, some employers paid no premiums at all. We are putting health care on a firm financial footing. We are asking all employers to make a contribution to the funding of our health care system, and as I said at the beginning of my remarks, we are going from a system which provided 13 per cent of the health care costs to a system which is providing 16 per cent of the health care costs.

Mr Pope: Maybe this is going to take a while. I guess we will have to put very specific questions. Will the minister confirm the member for Middlesex's opinion, given to the standing committee on finance and economic affairs on Thursday, 7 December at page 36 of the transcript from instant Hansard, that approximately \$500 million will be paid under this legislation by employers in the province of Ontario for the months January, February and March 1990?

Hon Mr Mancini: If memory serves me correctly, I believe the employers' health levy will bring in approximately \$2.1 billion. The OHIP premiums brought in were \$1.8 billion. The new employers' health levy will be bringing in an extra \$300 million.

At this point I would like to add that OHIP premiums have in fact been frozen since 1984-85. If OHIP premiums had not been frozen, if OHIP premiums had gone up equal to the consumer price index, OHIP premiums next year would be bringing in not \$2.1 billion, which the employers' health levy is bringing in, but \$2.6 billion. So I do not care which way the members of the opposition try to dissect this particular matter, we are in fact bringing in less money for the support of health care under this new system than we would otherwise have brought in if we had adopted the old system which had been in place and supported at that time by the Conservative government and, from my understanding, the Conservative Party of today.

Mr Pope: That is contrary, by the way, to the testimony of the minister's own officials in the committee. He has just reversed his position in which he formerly said three per cent more was coming in.

We will go on until we get the answer. Will the minister confirm the statement of the member for Middlesex made to the finance committee, which I have given the minister a copy of, that in January, February and March 1990, \$500 million will come into the coffers of the government of Ontario under the employers' health tax levy?

Hon Mr Mancini: With all due respect to the member opposite, he is not going to direct me to answer a question in a specific way. The member opposite has the right to ask any question he wants in any manner that he likes. I have the right to put the facts on the table and I have the right to speak for the government here this afternoon and to tell the taxpayers who are watching that if this government had endorsed the system that the member left us, OHIP premiums would be bringing in \$500 million more than the new employers' health levy will bring in. Those are the facts.

If we had endorsed what the member had left behind, many employers would not be making a fair contribution to the support of our health care system. If we had endorsed the position that the members opposite left behind, the \$1 billion that we are returning to Ontario citizens would in fact not happen. The individual people who are paying their own premiums would not be receiving the \$450 million tax break that they are

receiving under this legislation. The people who have had their OHIP premiums paid for them would not be receiving the almost \$400 million in tax breaks, because the OHIP premiums were in fact a taxable benefit as judged by the Department of National Revenue. We are returning \$1 billion to the taxpayers. We are instituting a fair system of raising part of the money that is needed to support a \$14-billion health care system in this province.

Mr Pope: The member for Middlesex, as he is noted in the transcript of instant Hansard from the economic affairs committee of this Legislature, is the parliamentary assistant, I believe, to the Treasurer (Mr R. F. Nixon) of this province. He stated—and I have given the minister a copy of his statement—on 7 December, just last Thursday, that his estimate of the employer health tax yield to the province for January, February and March of 1990, will be \$500 million. All I am asking the minister is, will he confirm what the parliamentary assistant to the Treasurer has said about the benefits to the Treasury of the province of this tax?

1550

Hon Mr Mancini: My understanding is that we are taking in \$2.1 billion for the year. That is a fact.

Mr Pope: Will the minister indicate whether or not the member for Middlesex was wrong when he said, last Thursday to the members of the standing committee on finance and economic affairs, that for January, February and March \$500 million would be raised by the employer health tax levy? Was the member for Middlesex wrong or right?

Hon Mr Mancini: I assume that in the first three months we would take in a quarter of the \$2.1 billion, which is—the honourable members can figure it out. I am assuming that these large employers are paying monthly and the small employers are paying quarterly. I am assuming that these payments will come in over the course of 12 months and we will take in \$2.1 billion. I have said that right from the very beginning. I do not think we have made that a secret. We have put the facts on the table very clearly.

I say to my honourable friend across the floor that we have said from day one that health insurance premiums would bring in 13 per cent of the health care bill. We have said that the employer health levy would bring in 16 per cent. We have said very clearly that had we continued with the system that was left there when we assumed power, OHIP premiums would be \$2.6

billion and not the \$2.1 billion that we are taking in through the employer health levy. We have also verified for the honourable member that we are requesting all employers to pay, and that was not the case before.

Mr Pope: If the minister is saying that the annual benefit to the Treasurer from the employer health tax levy is \$2.1 billion, will he then confirm that what the member for Middlesex said last Thursday to the committee was correct, that the payments for January, February and March of 1990 under this legislation will amount to approximately \$500 million?

The Chair: Minister. No? The member for Cochrane South.

Mr Pope: I am waiting for an answer. I will ask the question again: Will the minister confirm, using his own numbers, that for the period of January, February and March of 1990 the yield to the Treasury from this legislation, from the employers under the employer health tax levy, will be \$500 million or \$525 million? That is all I want to know. I want confirmation from the minister.

Hon Mr Mancini: I have answered the honourable member's question several times.

Mr Pope: Actually, the minister has not, and I will continue to ask the question until the minister answers it. Last Thursday in the committee, the member for Middlesex said that the yield to the Treasurer from the employer health tax levy is \$500 million. I asked 20 minutes ago for the Minister of Revenue to confirm that the member for Middlesex was correct in his statement. I have yet to have an answer. The minister refuses to use the words "\$500 million." I want to know what the take for the Treasurer is for the months of January, February and March of 1990 in this levy?

Hon Mr Mancini: To try to be as helpful as I can to my friend, whom I have known a good number of years, the take for the employer health levy will be \$2.1 billion per year. I am assuming that in three months' time we will take in 25 per cent of whatever that total is.

Mr Pope: Could the minister give me the result of that calculation from his own mind? If we divide \$2.1 billion by four, which is the three-month period of January, February and March 1990, that gives \$525 million. Am I correct that this is the number for January, February and March—\$525 million?

Hon Mr Mancini: The honourable member opposite knows that I answered his question fully

several times and answered it the first time he placed this question.

Mr Pope: This minister refuses to use the words "\$500 million." He refuses to confirm what the parliamentary assistant to the Treasurer said last Thursday in the standing committee on finance and economic affairs. He refuses to do so even though we are dealing with this bill and we have a right to have those answers.

Last week, the member for Middlesex told members of this Legislative Assembly that it was \$500 million. I am trying to shorten this process. The minister does not want this process shortened, so I will keep asking until hell freezes over. I want to know whether or not the take from this employer health tax for January, February and March 1990 is approximately \$500 million.

The minister will not answer. The minister will not answer that question. Will the minister answer this question: Will OHIP premiums paid in addition to the employer health tax levy for the period January, February and March 1990 amount to \$435 million, as Mr Orsini testified last week before the economic affairs committee?

Hon Mr Mancini: The government is faced with the need to increase the level of health care funding. The honourable member knows that. At present, OHIP covers 13 per cent of health care costs. The government could have increased the OHIP premium rate to provide health care cost coverage to 16 per cent—we could have done that—which is approximately the level that will be covered by the employer health tax.

I want the honourable member to listen to this because he may want to get up later and say that we have not answered his questions. I want him to pay close attention to this: The cash flow impact of increasing OHIP premiums for an employer who is already paying 100 per cent of the OHIP premiums will not be any different to the cash flow demands that will be experienced as a result of the employer health tax startup. In fact, small employers get a three-month cash flow break.

The coverage becomes academic at this point. If the other option of staying within OHIP with increased premiums, if that particular avenue had been taken by the government, the employer obligation, I believe, would have been considerably more than it is today.

Mr Pope: I asked the minister to confirm statements that I did not make, that no member of the committee made, but that Mr Orsini made on behalf of the Ministry of Revenue last Thursday in the economic affairs committee. He himself

testified, on page 37 of Instant Hansard for that day, that OHIP premiums paid in the month of December, due in the month of December, for the period of January, February and March 1990 would amount to \$435 million. I think we are entitled to know whether that is correct or incorrect.

Hon Mr Mancini: With all due respect to my friend across the floor, he or some of his colleagues have put that same question to the Treasurer in the Legislature. The Treasurer has responded to those questions. I have been asked myself at different times about this particular matter. I have answered the member's queries. He asked me just a moment ago for an explanation. I provided him a full explanation. He now wants to repeat his question, which is the same tack that he took just a few minutes ago on another matter.

I am prepared to proceed with the legislation. I am prepared to answer the member's questions as best I can. If the member feels that he finds the answers unsatisfactory, all I can tell the member is that I am giving him the details as I know them.

1600

Mr Cousens: Well, you don't know enough, then.

Hon Mr Mancini: I am answering his questions. As for the interjection from the honourable gentleman behind him, I want to reiterate what I had the opportunity to say only last week, that my officials thoroughly briefed the members of the opposition who were serving as critics or support critics. They received the identical information that was provided to me.

The First Deputy Chair: Before we proceed for much longer, we are in committee and the member has every right in the world to ask any question he wants. The beauty of this place is that the minister has every right in the world to answer in any way that he sees fit. We can do this until the cows come home. It does seem to me that we have reached a point where the member has put his question many times and made his point. The minister has indicated his position many times and made his point. It certainly is getting a little repetitious. Why do we not try it one more time and then perhaps we can go to work for the afternoon?

Mr Pope: I think it is clear that this minister will not answer. He wants us to support his legislation, yet he will not answer rather basic questions. That is in line with the strategy of this government when it comes to bilking the people of this province in additional taxes. They will not

answer for their legislation, nor do they have any idea of the impact on people in their daily lives of the legislation they are introducing here.

For two weeks the Minister of Health (Mrs Caplan) has steadfastly refused to admit that people are being double-billed. The people of this province are paying twice for the months of January, February and March 1990 for their health care system. An individual who comes to my constituency office with an OHIP premium notice in the month of December is being told to pay it, even though it is applicable to January, February and March of 1990. That same person, who will now be covered under the employer health tax payroll deduction scheme, will actually be subject to and be part of a double payment for OHIP services in this province for the months of January, February and March.

This minister, the Minister of Health and the Treasurer have stonewalled and refused to admit what they are doing to the people of this province, and that is bilking them out of hundreds of millions of dollars. They refuse to admit it. All that we had to have from any minister in this government was the gumption to stand up and tell the truth, that individuals were being asked to pay OHIP premiums for January, February and March of 1990 at the same time that their employers are going to be asked to pay a payroll tax deduction for January, February and March of 1990. We have seen nothing but stonewalling from three ministers in this government over the past three weeks on this issue.

Now we have a Minister of Revenue who will not confirm statements made by the member for Middlesex, a member of his own party and the parliamentary assistant to the Treasurer, who stated, in the transcript of Hansard last week from this committee, what the employer tax levy would bring to Ontario for three months in 1990, and by an official of the government to the same committee, on the very next page, that OHIP premiums for January, February and March would bring in \$435 million, a clear statement by officials of this government that there is double taxation going on, and we cannot get one responsible minister to fess up and tell the truth to the people of this province about what is going on.

I think it is time we got some straight answers from a government that wants us to support its tax measures. If they do not want our support and they are going to plow ahead, that is fine, but the fact of the matter is that not one minister will stand up and admit what these officials had the courage to admit to the committee, that there is

double taxation going on here and that there is a windfall to the Treasurer. Not one of them will say it; they do not have the gumption to come clean with the people of Ontario. We are just getting started on this debate until we get the truth.

The First Deputy Chair: Does the minister care to reply one final time?

Hon Mr Mancini: Yes. I can understand the concerns that come from across the floor because they support an OHIP system. My colleague across the floor would rather have OHIP premiums than an employer health tax, I know that. They have spoken out against the new employer health tax. They would rather have a premium-based system where some employers pay all of the premiums, some employers pay part of the premiums and some employers, I say to my colleagues here in the House, pay no premiums at all to support a health care system that we are very proud of, a health care system that costs a great deal of money to operate, \$14 billion this year and more next year.

OHIP premiums, I want to say to the taxpayers who are watching, brought in 13 per cent of total health care expenditures. The new employer health tax is going to bring in 16 per cent. Sixteen per cent of what? Sixteen per cent of \$14 billion. We are not putting the entire load on employers, large or small. We are asking employers, large and small, to pay a fair share. We are giving a break to small employers. We are charging small employers only the half rate. We are putting \$1 billion back into the pockets of Ontario citizens.

People who paid premiums through their own personal financial contributions will no longer have to make those payments. That is \$450 million going back to those taxpayers. Individual citizens who had their premiums paid for them paid taxes on those taxable benefits. Now that is no longer the case, nearly another \$400 million going back to the taxpayers.

Finally, and in conclusion, the member says that we are not answering the public's questions. That is not true. I have been answering the public on a regular basis. With your co-operation, Mr Chairman, I would like to read into the record a letter that I just signed and put in the mail, if it is in order.

Mr Cousens: How can it be in the mail if it was just signed?

Hon Mr Mancini: This afternoon. It is addressed to a certain individual living within the province and it reads as follows:

"Thank you for your letter of October 24, 1989, regarding the elimination of Ontario health

insurance plan premiums and the introduction of the new employer health tax in Ontario. The present OHIP premiums, currently payable by individuals or an employer, have long been viewed as being somewhat regressive in that they place a large burden on those low-income families that do not qualify for premium assistance. As a result, the government made a commitment in 1985 to eliminate OHIP premiums and at the same time introduce a system of universal health care.

"Also, the Social Assistance Review Committee, in reviewing the whole area of social assistance, recommended that the elimination of OHIP premiums was essential in providing greater access to health care for many low-income people. Accordingly, the foundation for the employer's health tax was established.

"I note your comment regarding the issue of overlap between the employers health tax and OHIP coverage. Given that OHIP is insurance-based, premiums are paid in one month for coverage three months in advance. As announced in the 1989 budget, OHIP premium payments will be paid to December 31, 1989.

"Starting in January of 1990 employers will be required to pay the employer's health tax for one month in arrears for large employers and three months in arrears for small employers. There is no direct relationship between an employer's payment of the employer's health tax and a person's health care coverage under OHIP.

"Therefore, to say that the January payment relates to January coverage would be to err. As a result of this change from a prepaid insurance system to an arrears-paid tax system, there is a short period of time when the employer's health tax is in operation and OHIP coverage is in effect. This situation will exist from January 1, 1990 until the end of March 31, 1990.

"There is, however, no overlap in payments for employers paying OHIP premiums for their employees. OHIP premiums end December 31, 1989, and employer health tax payments commence January or April of 1990, depending on the size of the payroll. Employers not paying OHIP premiums will also start making payments in 1990. Had the first payment of the employer health tax been postponed until April 1990"—

Mr Cousens: This sounds like a filibuster.

Hon Mr Mancini: Okay. The honourable members say I am filibustering. I tried to read into the record a full and complete answer. I have answered the honourable members' questions on numerous occasions and several times again today. They evidently do not want to hear the rest

of this. I take my cue from them, that they are not interested in the real facts; that all they want to do is get up and oppose the new employer health levy and retain OHIP premiums; that is fine. If that is their position, that is fine with me.

1610

The First Deputy Chair: That is your final kick at the cat. The member for Beaches-Woodbine has not had an opportunity to make any initial comments and we are going to allow her to do that now.

Ms Bryden: I raised this point in my initial comments in the committee, but I think it is unfortunate that the Liberal majority on the committee alone voted to bring this back to the House today, instead of trying to have their steering committee find another committee day, which would have been much more expeditious. Also, we would not have had to go back to square one. So I think the Liberals brought on themselves this particular discussion at this moment.

I want to say that I think the member for Cochrane South has brought out the facts on the amount of money that will come in from the employer health levy and the amount of money that will come from the payment of OHIP premium assessments which come in before 31 December and the coverage and the amount of money that will be OHIP premiums for the first three months of 1990. It seems to me the minister is simply not telling the truth when he says there will be no—

The First Deputy Chair: I am going to have to ask you to withdraw that.

Ms Bryden: Yes, Mr Chairman, I will withdraw that. But he is simply not making it clear that that money that comes in from OHIP premium payments made in December will be for 1 January to 31 March OHIP coverage. That is double taxation, however he wants to put it that there is no double taxation.

That \$425 million should not have been paid, but the Minister of Health in a letter to subscribers in December said, "As always, premiums are payable three months in advance," and that means a premium paid before 31 December will cover the next three months of OHIP coverage. People who pay those premiums in reply to notices sent out before the end of December will be paying this double taxation. There are, I think, about a million pay-direct subscribers, and there are a great many employers who pay their employees' premiums also in December. So it seems to me that we are not

getting a true picture of what is going on in this thing.

I want to remind the minister that when it came to a question of whether employers would be paying a December payment that might be considered double taxation before the premiums were abolished, the government moved very quickly to amend the bill and to strike out the requirement for either a December payment or a payment based on December payroll. It was a very neat amendment that just took out any references to December and started the whole employer health levy process going as of 1 January 1990.

Why they can jump to help the employers when they cannot even see that there is a problem for the pay-direct subscribers who received December notices or for the employers who made December payments, I find it hard to understand. I think we must get some commitment from the minister that he will rectify this situation and not require this double taxation, because it is simply unfair to expect all those December payment subscribers, both employers and employees or ordinary residents, to provide the government with another \$425 million of revenue in the first three months of January. That is my main comment on that particular issue, and I certainly support what the third party is doing on it.

I just have a couple of more things I want to raise. I do not have amendments on them, but I want a response when we get to the sections that may appear to cover them. I want responses to what the ministry is considering doing about those issues.

First, the John Howard Society has written a letter pointing out that the employers' payroll tax will put it in a very difficult position because it will not qualify for the lower rate of employers' payroll tax to cover its ordinary payroll, but it will qualify for the two per cent rate on those employees because it is administering a program for the Ministry of Skills Development, and it is receiving money for the payroll that is needed in that particular program.

Unless the minister can tell us that he is going to exempt the portion of its payroll that is to provide a service on contract to the government, the John Howard Society will be in very serious trouble. They will have a much higher payroll tax levy, and they will have to pay out all sorts of money with apparently no additional compensation or change in the contract that they have. I think that probably would come up under section

2, which imposes the tax, but I am not sure. I hope we have an answer when we get to that.

The other area I have great concern about, but I have not brought in an amendment because I do not think there should be an amendment, is the question of the brief from the Provincial Building and Construction Trades Council regarding the request of the Council of Ontario Construction Association to be exempt because its members are already paying premiums to the Provincial Building and Construction Trades Council through their collective bargaining and therefore they should be exempt from the employers' payroll tax.

This is simply a wrong approach to the situation, as the Provincial Building and Construction Trades Council told us through their very good brief presented by their lawyer, who is Murray Gold. I just want to read a little bit of the executive summary of his very impressive brief. He said:

"These submissions are made on behalf of a number of unions and councils of unions. Together they represent over 100,000 workers in Ontario.

"Multi-employer benefit plans (MEPs) are trustee benefit plans that provide coverage to employees of more than one unrelated employer. They are widespread in industries, such as construction, where employees are employed on a job-by-job basis. MEPs allow these employees to aggregate their service with all participating employers so as to obtain coverage comparable to that provided by single-employer plans (SEPs).

"MEPs are funded through fixed hourly contributions. In collective bargaining negotiations, these contributions come directly off the employees' hourly wage rate. For tax reasons, however, they are generally structured as employer contributions.

"MEP employers have undertaken in their collective agreements to make hourly contributions to a fund. They have not bargained to provide a specific benefit regardless of cost. Accordingly, the risk of higher benefit costs is on the employees, and employees have absorbed OHIP premium increases in the past.

"All MEP assets are trust assets to be used exclusively to provide benefits to employees. Employers have no right, claim or title to the assets of an MEP." But that is what they are asking in their brief to this committee on this bill.

"The trustees of a MEP are responsible for selecting the particular benefits the MEP will provide. Some MEPs provide OHIP coverage,

others do not. If an MEP does not pay OHIP premiums, it may provide other benefits, or, alternatively, the employees' hourly wage rate will be higher.

"Some employers are using Bill 47 as a pretext to attack their collectively bargained obligation to pay hourly wages and make hourly contributions. Bill 47 was not however intended to interfere in collective bargaining, and should not be used to change collective agreements.

"Contributions to MEPs are wages and money in MEPs is deferred wages. These moneys are not employer moneys and cannot be used by employers to exempt themselves from Bill 47.

"Some employers have claimed that they cannot pay the employer health tax because they are working on fixed-price contracts. Employers have however anticipated this tax since it was announced on May 17, 1989. Employers can and do always anticipate cost changes, including those certain to arise effective May 1, 1990 with a new provincial collective agreement."

1620

I felt it was important to put that on the record, because we do want a commitment from the minister that the request of the Council of Ontario Construction Associations will not be allowed for either in regulations or in amendments, because it is actually dealing with money that is not under the power of the construction associations, and it would be wrong to consider it as money that it is responsible for. It is entirely a collective bargaining arrangement.

When we get to the clause on the application of the act to employers, I hope the minister will give us some sort of commitment or a clarification that the members of this Provincial Building and Construction Trades Council and their multi-employer benefit plans are not affected by the act.

Those are the things I wanted to draw attention to. As we go by different sections, we may raise other concerns. But I have just my two amendments.

The First Deputy Chair: We have entertained quite a bit of discussion. The chair knows we are in committee. The chair knows we normally extend to the critics and the ministers the opportunity to make opening statements. I also have a pile of amendments in front of me that people from all sides have indicated they are anxious to put in committee. My quandary is, does this House want to proceed through all these amendments that the members have typed and provided for each of us, or do we want to discuss these further?

I am really at a loss to understand what we are trying to do. My preference would be, since people have gone to the trouble of preparing amendments and notifying each of the caucuses, to proceed now to begin. The first amendment I have is from the Progressive Conservatives on section 1.

Ms Bryden: Mr Chairman, I did not give any previous statement on my two amendments, which I understand from legal counsel's advice may or may not be in order. I would like to speak briefly about them so that when it comes time to present them, the chair will be able to—

The First Deputy Chair: Excuse me. Will the member please take her seat for a moment. My problem is that people want to speak to amendments they have put, but they are not being given the opportunity to do that because we are still on opening remarks. The member has amendments; I am sure she wants to debate them. But I am being prevented from allowing her that opportunity because we are on opening remarks.

It would be my sense of the House at the moment that the members are anxious to proceed with amendments they have prepared, and I would very much like to do that. With the members' concurrence, the first one that I have is—

Mrs Marland: With respect, Mr Chairman, our caucus has not yet had opening remarks. We have simply asked one question of the minister, and we have not had opening remarks. It was going to be on the basis of the minister's answer that we would know what our remarks needed to be.

It is just coincidental that the question that was being asked by the member for Cochrane South, only for clarification, was my own question. It was my question in committee to the minister and to the Liberal members of that committee. It was my question to which the parliamentary assistant to the Treasurer, the member for Middlesex, gave the answer that \$500 million would be collected in the first three-month period. It was also my question to—

The First Deputy Chair: Would the member take her seat for a moment, please. The chair does not want to get involved in an argument about who did what. I think, while I have been in the chamber, each of the critics and the minister have made general opening remarks at some length, for the better part of an hour now. I am a little taken aback now that someone says, "No, we haven't even begun opening remarks." I thought we heard fairly extensively from each of the parties the comments they wanted to make

initially. It does not prevent anybody from debating any matter as we go through each of the sections. There is no indication that we are going to limit debate on that.

There will be the opportunity to ask questions, the opportunity to put forward amendments, the opportunity to comment at length, if the House wants, on each of those amendments as they are put. My difficulty is that I have been given an indication that people want to put amendments, and I am having some difficulty getting the amendments on the floor. I seek a little co-operation here.

Mr Harris: I think you are quite right, Mr Chair, and I think we do want to get to the bill. The member for Mississauga South (Mrs Marland) has spent considerable time in the committee, and it is my sense that we might move faster through the actual amendments if she might be allowed to put a few things on the record on behalf of our party in general terms. I would suggest that it would certainly not take any longer than the comments the minister made or those that the New Democratic Party member made. I have a sense that five or six minutes now might facilitate passage later on, and I offer that for the committee's suggestion.

The First Deputy Chair: The chair has no problem with that. My difficulty is that normally we would recognize someone from each of the parties to make some opening remarks. We have done that and we have heard some rather lengthy opening remarks that may have been one question asked many times, but it is your choice how you make your remarks.

I would be happy to hear the member for Mississauga South if she has a few chosen remarks because I know she is interested in the bill and wants to make them. She should have every right to do that. I would be happy to hear from her now if members feel that would facilitate as we go through the amendments.

Mrs Marland: I think it is important to understand that when the member for Cochrane South asked a question, he got a 10- to 15-minute reply. I made a note of the times, as a matter of fact, so I have them.

The Minister of Revenue (Mr Mancini) says he feels that he and other members of this government have answered these questions about the employer health tax in the House, and he does not know why we keep asking the questions. I think it is very important for the minister to understand that the reason we ask the questions is that the public has a right to know. The public has made this government very much aware of its concern

about this employer health tax. The public has been saying, "How is it this Liberal government didn't allow the physicians and doctors to extra-bill, yet they themselves are extra-billing to the tune of \$500 million for three months?"

I think it is important for this minister to understand that although there has been no acknowledgement by his government, the concern that is out there in the community is very real and very strong. Part of that concern has been expressed in a letter from the Mississauga Board of Trade, which says businesses are facing double taxation. They say employees must remit their first payment 15 January and will still be double taxed for the first three months of 1990. They also go on to say that it has been estimated that the government will be collecting an additional \$300 million for this double taxation. The irony of this letter from the board of trade is that, in response to my question in committee, that figure of \$300 million extra turned out to be \$500 million, by the words of the parliamentary assistant to the Treasurer himself.

The Mississauga Board of Trade questioned the government's attempt to collect double revenue from businesses and, in light of that, it strongly urged that the committee, where this matter was prior to coming into the House, recommend to the government that Bill 47 be amended in order to eliminate the double taxation of businesses for the first three months of 1990. That is the Mississauga Board of Trade, a very large organization, obviously representing a very large number of employers in this province.

1630

On behalf of single individuals, and since the minister says he has written a letter to one of his individual constituents, I would like him to answer a question from one of my constituents, Peter Went, who wrote in November to the Treasurer, and I will ask the question as he does. He said he was most surprised to receive a notice from the Minister of Health advising him that he will not be eligible to receive employer health tax benefits unless he paid premiums for the period 1 January 1990 to 1 April 1990.

A booklet entitled Employer Health Tax released by the Ministry of Revenue to all employers states: "In his budget of 17 May 1989, the Treasurer of Ontario announced that the employer health tax would replace the Ontario health insurance plan—OHIP—premium payments commencing January 1990. As of that date, Ontario residents will continue to receive health care coverage but will no longer be required to pay OHIP premiums."

Mr Went is asking this question because he says, "My employer has already advised me that my wages will be reduced by 1.95 per cent commencing 1 January 1990 since the extra payroll expense cannot be absorbed by him or passed on to his customers due to competitive market conditions."

This is another example of the burden of this particular health tax not only to employers—and we have to be very clear about this—but also to employees, because the government is saying: "Are we not wonderful? We are eliminating OHIP premiums and we are doing something for employees." In fact, it is not.

I will give another example. We have a letter from the Profit Sharing Council of Canada over the signature of Michael Welch. He says the council has concerns over this bill. I would like the minister's staff to give him the answers to these questions, because they are very critical. The questions have not been addressed and they are as follows: "The allocation is a share of profits, and not salary or wages," if you work under an employee profit-sharing plan. Also, "Profit-sharing firms pay equitable and competitive salaries and/or wages" and, "Unlike wages and salaries, the employee may not obtain immediate ownership of the allocation. Further service may be needed before vesting." Most important of all, "The employee may not have access to the funds until he retires or leaves the firm. (Employer contributions to registered pension plans are not in the base for the levy)." So why, in a profit-sharing situation, would they be in the base for this health levy?

"Unlike salaries and wages, which are known weekly or monthly, it is not known whether there are profits to share until the books are closed at the end of the year. Profit Sharing promotes teamwork and efficiency, and helps create employment." I would think this Liberal government was interested in creating employment.

One other example that I brought to the attention of the minister in the committee last week was the example in the real estate industry. "Under the proposed law, brokers will be required to pay a health tax of 1.95 per cent on the gross commissions paid to their salespeople without regard for expenses incurred by the employees to earn the commission income. Because gross commission incomes paid to salespeople represent a major percentage of the total commission received by the broker, the health tax will have a detrimental effect on the broker's net income. The Toronto Real Estate Board has grave concerns with the inequities in

the application of the employer health tax on commission industries." That is in a letter over the signature of Stephen Moranis, president-elect of the Toronto Real Estate Board.

I have given the minister an example of an individual citizen, Mr Went. I have given him an example of somebody who works in a profit-sharing plan employer situation and I have given him the example of the Mississauga board of trade. How many more examples does he need to try to tell the public the actual facts about what it is the Liberal government is doing with Bill 47?

Is it not the truth that in 1990, from 1 January to 1 April, this government is having \$500 million come into its Treasury through the employer health levy on top of the \$435 million it has already had prepaid in OHIP premiums? I think it is similar to a landlord asking for first and last month's rent and then when he comes to the beginning of the last month he asks the tenant to pay again.

The important question that the minister needs to explain to the public of this province is why is he double billing everyone. It is not only the businesses that he is double billing, because if a business is double billed he can be sure that it is the employee who is going to face that real cost. There are so many businesses in this province today for which two per cent is the figure of the margin of profit. Two per cent to a lot of businesses in Ontario today is the percentage by which they make it or lose it.

The minister must be aware that the greatest number of jobs in this province today is in small business. In fact, he does not even have to look at small business. Has he even looked at what the cost of this health tax is for school boards? Has he looked at how much he is going to be taking from school boards for those first three months of the year, and when he takes it from school boards he takes it right off the backs of the property taxpayers. That first three months has already been paid for by the employees in that school board.

What the minister is doing to the public is using another vehicle as a tax grab. He is saying, "We are taking in 16 per cent more than we did last year to cover the cost of health care." Nobody is arguing about what he is taking it for. We know there is a cost to health care in this province, but what we are saying is, if he is double billing why does he not be honest and come right up front and say, "Yes, we are charging tax from 1 January even though the premiums have been paid for those three months."

Could the minister tell me what I tell Mr Went, who has been told to pay his premium for January, February and March? If he does not pay his premium for the first three months of next year, will his family be covered? If his family is ill and needs to access the health care in this province today, will it be covered without him paying his OHIP premium?

The Second Deputy Chair: Thank you very much, and I—

Mrs Marland: I have one more question I am waiting for the minister to answer.

The Second Deputy Chair: I want to say to the honourable member I was monitoring the previous chairperson in terms of his exasperation in trying to get this bill along. You indicated through the House leader of the third party that five minutes would be ample enough time for your discussion. I know how you were keeping track of your time, because you indicated back to the previous chairman that you were very cautiously acknowledging it and you slightly ran over the time indicated. But in the interests of co-operation we will see if the minister would like to reply and I know you will be very conscientious on your next question, on your opening remarks to Bill 47.

Hon Mr Mancini: There were questions by the member for Beaches-Woodbine prior to the comments we heard. In all fairness, I would like to refer some comments to some of the questions. I believe the member for Beaches-Woodbine, if memory serves me correctly—it was so long ago now—asked about the multi-employer benefit plans. The province will not be altering any collective agreements that have been negotiated. We will not be altering any agreements and we will not be interfering in any of those agreements.

1640

On the question regarding the John Howard Society, I want to say to the honourable member that we have just received that letter and I have asked my officials to take a very, very close look at that and to also consult with their counterparts in Treasury. I am hoping we will have an answer soon, very soon.

The honourable member for Mississauga South asked a number of questions. She made some comments about what certain constituents were telling her. I would like to say what certain constituents are telling me. They are pleased that they will no longer have to pay OHIP premiums and they are also pleased that they will no longer have to pay taxes on OHIP premiums if they were

in fact paid by the employer. Those are the voices I am hearing.

The honourable member opposite had some questions about employees under profit sharing. I want to say to the honourable member that all allocations to employees under a profit-sharing plan that in fact produces these benefits that the employee has to pay income tax on are subject to the employer health tax. When the employee has to pay income tax under federal rules, under the government of Canada legislation, then the employer must pay the employer health tax. It is that simple.

The honourable member mentioned something about employers making the employees pay for the employer health tax out of their wages. I want to say that according to the Employment Standards Act of Ontario, section 8, no employer can claim a setoff against wages of an employee unless it is authorized by statute. The proposed employer health tax does not authorize any setoff, and the employer rather than the employee—I want to make that very clear: the employer rather than the employee—is legally responsible for the tax. I believe that answers the specific questions raised by the honourable member.

Mrs Marland: Excuse me, Mr Chairman. This is the most critical question. Regarding the individual who has paid his own OHIP premiums and who has been told there are no OHIP premiums after 1 January, if his employer does not pay a health tax on his behalf, is he covered, and if so, why is he being asked for the OHIP premium for January to April?

The Second Deputy Chair: Thank you. If I may now refer to the minister, it is my understanding that we are supposedly on general discussion of section 1. I would like a response.

Hon Mr Mancini: I believe the Minister of Health appropriately answered that question this afternoon.

Mr Cousens: Let us hear your answer. The member for Mississauga South obviously has a very great deal of concern about this and so do I. I would like to hear what the honourable minister has to say on that, rather than just tell us that the other minister has answered it. Come on, own up to it, I say to him.

The Second Deputy Chair: I thank the honourable member for Markham for giving assistance to the minister. But, of course, as we all well know, ministers can respond to questions in the manner in which they see fit. It is my understanding from watching the monitor on the

proceedings of this bill that we can now proceed—unless the member for Beaches-Woodbine is dissatisfied with the answer to her question.

Ms Bryden: Mr Chairman, I appreciate your giving me the opportunity. I want to thank the minister for saying that he is taking the problem of the John Howard Society under advisement and that he has a copy of the letter it sent in, which I have tabled in the committee. That is good news.

As far as the question of the payment of premiums for the next three months, there was a story headed “Government Crosses Signals on OHIP Bills” in today’s Toronto Star, which indicates there is still confusion out there as to whether somebody who is billed for a payment before the end of December is required to pay it or whether that is going to be taken from them. It does not relate to whether they get access to health care; it relates to whether they have a legal obligation to pay that assessment.

Hon Mr Mancini: I believe I have answered these questions.

The Second Deputy Chair: Fine. Carrying on with section 1 of Bill 47, I see we have a third-party motion. Might I turn at this time to the House leader for the third party and inquire who is presenting the motion?

Mrs Marland: I am.

The Second Deputy Chair: Mrs Marland moves that subsection 1(1) of the bill be amended by striking out the definition of “employer” and substituting the following therefor:

“‘Employer’ means a person or a government, including the government of a province or Canada who pays remuneration to an employee but does not include an employer whose total Ontario remuneration paid during the year is \$200,000 or less or an employer who is a city, town, village, township or county within the meaning of and for the purposes of the Municipal Act, RSO 1980, chapter 302, a regional municipality, or a school board, hospital, college or university who shall be exempt from tax under this act.”

Mrs Marland: We actually have two amendments under this section. Each proposed amendment is to create an exemption and is accompanied by the amendment that will change the definition of “employer” to give effect to the exemption. While the definition will change depending on the exemption level being proposed, there is one constant in each of these amendments. All would exempt provincial trans-

fer payment recipients from the tax by excluding them from the definition of "employer" under the bill.

Obviously, that is very logical, because otherwise we are taxing other levels of government and it is a tax upon tax which ultimately then comes down on to the backs of the property taxpayers.

As a backup, a specific amendment which would exempt only the transfer payment recipients is included, which could be moved—after we see what happens to this one—independently of the amendments which would provide exemptions for other employers.

1650

The case for exempting transfer payment recipients such as municipalities, hospitals, school boards, colleges and universities obviously can be made on a number of grounds.

First of all, the province has objected to the proposed goods and services tax on the grounds that it does not exempt or zero-rate those agencies. Yet the province has not provided these agencies with an exemption from its own employer health tax. It is clear and I think a very clear case of "Tax as I say, not as I do."

Second, the employer health tax is just another provincially mandated cost imposed on those agencies which are already strapped for cash. For instance, the employer health tax will cost Ontario hospitals an estimated \$60 million next year, and universities have estimated that the employer health tax will amount to 1.3 per cent of their compensation costs, net, of OHIP savings. That is the important thing. The minister has been saying that now that they do not have to pay OHIP, they are going to gain money. In fact, they are not; it is costing them more.

Third, the employer health tax will in some cases, for example, municipalities and school boards, simply contribute to another round of property and school tax increases, as these agencies pass the cost through to the local ratepayer.

Fourth, the government is playing a rather cynical game with the employer health tax and transfer payment recipients. With the employer health tax, the government is simply taxing back a portion of the transfer payment increases it takes such pleasure in announcing. While the government has said that the impact of the employer health tax will be taken into account when it adjusts its transfers, it is now clear that the government will not fully offset the cost of the employer health tax. So these agencies will be left to absorb this new cost. If the government

does intend to fully offset the cost of the employer health tax in its transfers, then it should not bother to put itself or the agencies through the time, trouble and expense of collecting the employer health tax in the first place.

I just want to give a couple of examples. The following are estimates of the cost of the employer health tax to the various transfer payment recipients. I have already mentioned that the Ontario Hospital Association has said it will cost hospitals an additional \$60 million. School boards will have to pay an additional \$27 million. Universities will have to pay out an additional \$24 million.

We have no estimate on the total cost of the employer health tax to all the Ontario municipalities. However, the Association of Municipalities of Ontario has provided the following information on the cost to the following cities and regional municipalities: the city of Burlington, \$203,000; the city of Etobicoke—and I think the member is here—\$400,000; Kitchener, \$206,000; North York, \$317,000; Sault Ste Marie, \$47,500; Sudbury, \$140,000. The city of Toronto has an additional burden of \$1,876,210; the city of Windsor, \$310,000; the city of York, \$200,000; Durham, \$400,000; Halton, \$250,000; Niagara, \$300,000.

How is it that if the government plans to rebate those municipalities through increasing their transfer payments to adjust for the cost that it has already burdened them with with the employer health tax, the government would not exempt them in the first place? Is it looking for more work, more expense and more bureaucracy to administer it? I am quite sure, when the minister considers this amendment, he will see the logic of it and support it.

Ms Bryden: I support the amendment put forward by the third party. I think it is simply counterproductive to impose the employer payroll tax on public sector bodies: municipalities, school boards, hospitals, colleges and universities. These institutions and governments would have to go back to the government to get larger grants to cover the costs or they would have to cut their services, because they simply do not have additional sources of revenue which would bring in the costs of this tax.

The offer by the Treasurer to provide a transitional grant to some of these bodies for the first quarter of 1990, in order to cover their costs until such time as they can raise their mill rates, raise their fees at universities, or raise their hospital charges, is simply an insult to them because it means that they will have to revamp

their whole revenue-collecting systems or they will have to cut services.

I do not think we want to see any of these organizations cutting their services. They are badly enough cut now by reductions in transfer payments from both the federal and the provincial governments. They are also being asked to bear more and more responsibility for activities which were formerly covered by the provincial government, particularly in the education, health and pollution control fields and in the protecting of the security of the courts so that this kind of shifting of responsibilities to municipalities is going to be increased greatly by imposing the employer payroll tax on them.

I think the provincial government should be looking at alternative sources to cover the costs of health care than a payroll tax that hits the public sector bodies particularly. In fact, I would like to see the whole employer payroll tax replaced by a more progressive tax, so I will support this amendment.

Hon Mr Mancini: First of all, I would like to say that we cannot support the amendment. The members opposite would have us go back to OHIP premiums. We are not going back to the situation where some employers paid premiums, some employers paid part and others paid nothing. The members opposite know that had premiums not been frozen in 1984-85, the cost of premiums today for employers and employees would be far greater than the new employer health tax.

As far as the health and social service agencies that the member for Mississauga South referred to earlier are concerned, I believe she has maybe coincidentally or conveniently forgotten that on 15 June the Treasurer announced \$23 million in transitional relief for colleges, universities and hospitals for the January-March 1990 period. In addition, the Treasurer announced funding increases for major transfer agencies just the other day on 29 November for the next fiscal year, the 1990-91 fiscal year, which in fact includes the cost of the employer health tax.

Just to refresh the memories of all honourable members who are interested, I would just like to say that, for example, for the 1990-91 fiscal year, operating grants to universities will increase by eight per cent, a full eight per cent to \$1.8 billion. Operating grants for colleges of applied arts and technology will also increase by eight per cent to \$754 million. That is over and above the capital expenditures. Further, just to refresh the memories of the members, operating allocations for

hospitals will increase by over \$500 million or 8.7 per cent.

As members can see, the Treasurer has taken these concerns into consideration, and I put those figures before the members for their consideration.

1700

The Second Deputy Chair: We had an amendment moved by the honourable member for Mississauga South to subsection 1(1) of Bill 47.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Mrs Marland: I will put that one on the floor. The next one is also to subsection 1(1).

The Second Deputy Chair: Mrs Marland moves that subsection 1(1) of the bill be amended by striking out the definition of "employer" and substituting the following therefor:

"'Employer' means a person or a government, including the government of a province or Canada, who pays remuneration to an employee but does not include an employer whose total Ontario remuneration paid during the year is \$400,000 or less or an employer who is a city, town, village, township or county within the meaning of and for the purposes of the Municipal Act [RSO 1980, chapter 302], a regional municipality, or a school board, hospital, college or university who shall be exempt from the tax under this act."

Mrs Marland: It is the same argument and it is the same good logic as with the first amendment that I moved. I would hope that instead of the government getting up and telling us that it is awarding \$23 million for a cost to the municipalities, the school boards and the hospitals of this province of over half a billion dollars—and I spell it out that that means \$500 million.

I have just placed on the record the cost to hospitals, universities, school boards and municipalities of this employer health tax in the province. If this government chooses to ignore the fact that those are the same people they have to fund through transfer payments and then the minister stands up and asks if I missed the big announcement of \$23 million to help—\$23 million? We have already said it is going to cost hospitals \$60 million. Those are the same hospitals the minister is not funding now and he is giving them an additional burden of \$60 million.

Ms Bryden: I also support this amendment from the third party. I think it is important to recognize that government sector institutions and bodies should not bear this burden. The minister told us that there were tremendous new grants going to municipal governments, universities, hospitals in the next fiscal year, starting in April 1991, as well as the Treasurer's token contribution for the remainder of this fiscal year.

There is no statement in those new grants to the various institutions that there is any consideration of the effect of the employer health tax levy on those institutions. There is no money in those new grants earmarked to take account of the tremendous cost to these institutions which the member for Mississauga South mentioned could be as much as \$60 million. It seems to me that the Treasurer has to make a statement that he is making specific funds available for paying the costs of the employer health tax levy.

Hon Mr Mancini: The Conservatives and the New Democrats would have us go backwards. They would have us go back to OHIP premiums, where some people get covered, others do not. It is regressive. It is hard on low-income people. Some employers do not make any contribution at all. The Conservatives and the New Democrats would have us go backwards. They would have us go back to a system where the only alternative would be on an annual basis to substantially raise OHIP premiums, as they did for many, many years.

That is not the position that we are taking. We are abolishing OHIP premiums. We are putting health care on a sound financial footing. We are asking all employers to make a fair contribution.

The Second Deputy Chair: The honourable member for Mississauga South has placed a second amendment to the proposed subsection 1(1). All those in favour of the proposed amendment, please say "aye."

All those against, please say "nay."

In my opinion, the nays have it.

Motion negatived.

The Chair: Mrs Marland moves that subsection 1(1) of the bill be amended by striking out the definition of "employer" and substituting the following therefor:

"'Employer' means a person or a government, including the government of a province or Canada who pays remuneration to an employee but does not include an employer whose total Ontario remuneration paid during the year is \$400,000 or less or an employer who is a city, town, village, township or county within the

meaning of and for the purposes of the Municipal Act [RSO, 1980, chapter 302], a regional municipality, or a school board, hospital, college or university who shall be exempt from tax under this act."

Mrs Marland: When the minister votes and has his colleagues in the Liberal government vote against these amendments, he says that we moving the amendments, we the Progressive Conservatives, would have them move backwards. The only direction that we would like this Liberal government to move is forward and to be honest and to tell the public what is going on here.

The fact is that this Minister of Revenue stands in the House today and says, "It's okay to ask the employers to pay a fair contribution, because we have eliminated OHIP premiums." Perhaps the next time the minister gets to speak, he might tell us how many people in this province were still paying OHIP premiums and how many people, through their negotiations, accepted employment with employment benefits which included the coverage of their OHIP premiums.

The minister might also address the fact as to how businesses are going to be able to pay two per cent of their payrolls in a health tax right off the top and stay in business, because he is going to have to answer to those employers who simply say: "We have to close up shop because we cannot afford another tax. We cannot afford an employer health tax. We cannot afford any more taxes, as a matter of fact."

But these Liberal members are the ones, while they stand in this House and say they are doing something for employees because they no longer have to pay OHIP premiums, most of whom have not been paying the OHIP premiums out of their pockets anyway for some years because of partial and full payments by employers. This government will have to explain to that employee, who then will lose his job because this government's taxation will drive his employer out of business, what a wonderful government this is because, whoopee, there are no more OHIP premiums. But your boss is asked to pay two per cent of your salary as an employer health tax, a health tax levy that, by this government's own admission, is going to bring in three per cent more than OHIP premiums did. Where does this government think the three per cent more is coming from?

And when he is talking about three per cent of \$14 billion, I, with respect, suggest to him that he is not talking about chicken feed. I do not know who he thinks in this province in business today

can absorb this outrageous health tax that he is asking them to pay.

1710

The Second Deputy Chair: Any further discussion to the proposed amendment?

Hon Mr Mancini: The honourable member opposite has made a lot of comments this afternoon, but I think probably the comments we just heard a few minutes ago—she has made better, let me put it that way.

The member has considerably exaggerated the situation. She, on a continual basis, ignores the fact that small business is paying the half rate. That is a reality; that is a fact; that is in the legislation.

The member keeps saying that health care costs in Ontario for employers are out of control. Health care costs for employers are in fact out of control, but not in Ontario. With our competitors in the United States, health care costs are out of control.

Just let me give some facts to the honourable members who are here today, because I know they are interested. The cost of private health care coverage in the United States has grown by over 20 per cent in each of the last two years. The cost of coverage now ranges from \$3,000 to \$6,000 per employee. On top of that, 37 million people in the United States have no health care coverage.

If we compare Ontario to the province of Quebec, we can see that small business pays at a rate of 0.98 per cent. In the province of Quebec they pay at a rate of 3.36 per cent; in New York, Michigan and Ohio they pay 9.70 per cent. Those are health care costs which are burdensome to employers.

I want to say to the honourable member also, who asked: "Well, tell us how many people are paying their own OHIP today?" as if the number was minuscule, \$450 million worth, that is how many.

The Second Deputy Chair: The member for Mississauga South has moved a final amendment to subsection 1(1) of Bill 47. All those in favour of the proposed amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Mr Pope: Briefly, for the minister to stand here and try to indicate that there is no concern about the competitiveness of Ontario industry with industry in the United States based solely on his numbers with respect to health plan coverage

and the cost of it in the United States is one of the phonier arguments I have heard in this Legislature in the last year.

Everyone knows that the total tax burden this government has placed on business and on individuals in this province with tax freedom day on 7 July of last year and moving into the end of July of this year—there is nothing that is more destructive to Ontario's competitive position and our ability to sell in the international market, to invest in this province, to expand industries in this province and to employ people in this province than the government's tax policies. To stand up here and try to say that we are competitive with other jurisdictions is just nonsense when every single industrial group in this province disagrees with what the minister is saying.

Section 1 agreed to.

Section 2:

The Second Deputy Chair: Mrs Marland moves that subsection 2(1) of the bill be amended by inserting after the word "employer" and before the word "shall" the words "except those employers whose total Ontario remuneration paid during the year is \$400,000 or less or an employer who is a city, town, village, township or county within the meaning of and for the purposes of the Municipal Act [RSO, 1980, chapter 302], a regional municipality, or a school board, hospital, college or university who shall be exempt from the tax under this act."

Mrs Marland: In speaking to this amendment, I think it is very important, when we talk about exemptions, that we have on record in Hansard of last Thursday, 7 December, in the afternoon session, in answer to questions which I raised about the inequities of this employer health tax legislation; we have answers from this minister when I asked about the fact that there are huge, gaping loopholes in this legislation through which you could drive a Mack truck and I said to the minister: "What are you doing about the inequities? If you are going to have a tax, why won't it be a fair tax for everybody?" If he is saying that this is a fair contribution by employers, it is very interesting that people who are self-employed—and I gave as an example last week professionals. I think I used a dentist as an example. If a dentist is self-employed and does not have to pay employer health tax on behalf of anyone, neither does he or she have to pay any employer health tax.

I think it is important for the record in this House to show the answer of the minister. When these inequities were pointed out to the minister,

this was his answer: "We do not have any answers to that matter yet, but we want to explore the matter. Jim, do you have anything else to add to this answer?" I assume Jim was one of his staff members to whom he referred the question.

I think it is shameful that we are here today asked to pass legislation through which, by the minister's own admission, there is a whole section and there is a whole application of this legislation that they do not have the answers to. I think this Liberal government should be embarrassed. If it cannot draft a piece of legislation without inequities, and by its own admission, it is saying—it is here: "We've got to get this passed, and of course, we've got to get it rammed through before Christmas, and the reason we have to get it rammed through before Christmas is that we are double billing from January to April and we've got to get that \$500 million extra between January and April. We've got to get the \$500 million that we're double billing. We have to get that in because, although we have \$435 million," by the minister's own figures and by the words of the parliamentary assistant to the Treasurer, "although we've got the \$435 million in OHIP premiums, we've got to get this tax grab from the businesses and the employers of this province and, ultimately, from the employees, because the businesses cannot support paying that tax. Somebody has to pay for it."

Here we are, with this legislation, with inequities, and the answer to my questions in committee is, "We do not have any answers to that matter yet, but we want to explore the matter." My suggestion is that if the minister supports this amendment which exempts other employers, namely other levels of government, other people who depend on government funding, like hospitals, universities, school boards and municipalities, at least he could save some face by supporting this amendment; at least he might have the grace to say, as he did in committee, "We don't have all the answers."

In other words: "This is not perfect legislation. It is not perfectly drafted, but we want to get it through so that we can start collecting our money." At least the minister might have the grace to say, as he did in committee: "Yes, we don't have all the answers. In other words, this isn't perfect legislation, it isn't perfectly drafted, but we want to get it through so we can start collecting our money."

1720

At least the minister might have the grace to support an amendment that exempts those same organizations in this province that are dependent

on government transfer payments in order to look after the people of this province. I give him, as a perfect and most important example, the \$60 million that is going to be an added cost to hospitals alone.

Hon Mr Mancini: I would like to add at this point that I am very happy that the lines are as clear as possible at this stage. We are against premiums. We are against regressive premiums. They are for premiums. We want all employers to pay a fair share, a half rate for small employers. They want some employers to pay none at all and they would like to keep that for ever. We want to put health care on a sound financial footing. I am not sure what their party's position is. I am glad that the lines are as clear as they are.

Ms Bryden: I would like to concur with the remarks of the member for Mississauga South to the effect that the self-employed should be paying some share of the money which will be replacing premiums. Also, I think the corporations should be asked to pay a share through their corporation taxes, which are income taxes. The employer health tax levy is something that can be passed on to the customers. The corporation tax, presumably if it is based on income, cannot be passed on, so I am disappointed that the minister has not looked at alternative sources of revenue to replace the premiums.

I think that all in our party are pleased that the premiums are being eliminated, but applying the Employer Health Tax Act in the way it is prescribed in this bill is not going to result in a more progressive tax system. That is why we think he should have looked at other sources of alternative revenue and should be looking at the self-employed, who will be getting off very lightly under this particular bill. So I will support the amendment.

Mr J. M. Johnson: I would like to ask the minister one question pertaining to my riding. In the hospitals of Fergus, Palmerston and Mount Forest, the boards have asked me what will happen to the Mennonites in that area. There is a fairly large population and in the past they have paid for services rendered by the hospitals. Under this new scheme, how will the hospitals collect any money from these people? They do not have incomes per se because they do not hire people.

The Chair: Any other comments? Are we ready for the vote?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

The Chair: Mrs Marland moves that subsection 2(1) of the bill be amended by inserting after the word "employer" and before the word "shall" the words:

"except those employers whose total Ontario remuneration paid during the year is \$200,000 or less or an employer who is a city, town, village, township or county within the meaning of and for the purposes of the Municipal Act [RSO, 1980, chapter 302], a regional municipality, or a school board, hospital, college or university who shall be exempt from the tax under this act."

Mrs Marland: The minister continues to say that they are against premiums and that the opposition is in favour of premiums, but the minister does not come clean with the people in this province and answer my question, which is to tell the people of Ontario how many people still pay their premiums directly. The fact of the matter is that when he says, and I think this is what he said, "We want to put health care on a sound financial footing," he has got the wrong part of the body.

What this Liberal government wants to do is put the cost of health care on the backs of the employers, subsequently the employees and ultimately the consumers and all the taxpayers in this province who pay property tax. When the minister talks about the kinds of dollars that we are talking about in terms of the penalty for universities and hospitals, maybe we should just look at the university figure of \$24 million. Maybe that is the figure when the minister said, "We're going to help out. We realize there is a cost." The very fact is that he realizes there is going to be a burden on the public institutions in this province, the very fact is that he realizes that and says he is going to give \$23 million to ease that, but he seems to ignore the fact that for school boards it is \$27 million and for hospitals it is an additional \$60 million.

Why does the minister not support the amendment and exempt those institutions? That is simply what this amendment is all about. It is simply saying, "Why does he not save the whole process up front in those areas which he transfers payments to—hospitals, school boards, universities and municipalities?" It is common sense. Also, this last amendment is asking the minister at least to exempt those people who pay remuneration of less than \$200,000 during the year.

When the minister talks about our party being in favour of OHIP premiums, it is quite true that our party established the OHIP premiums. It was the Progressive Conservative government of this province that established the world-class health care system that his government inherited four years ago, but I can assure members that the public knows what is happening.

When they have to go out of town for cancer treatments, when they have to go to the United States for their heart procedures in terms of surgery, members of the public know what is going on. Why this amendment is so important is the public is finally saying: "What is happening here?" The government is not funding those areas that it is responsible for, so what it is doing is creating a vehicle to take another tax grab, and the tax grab it is using is an employer health tax. It is saying, "We're going to get every employer to pay a percentage of salaries to this health tax."

But when you look at the percentage, it is 1.95 per cent, it is close to two per cent, for the sake of argument. And when the government is asking those employers to pay the two per cent, what it is saying is: "We can't manage the affairs of this province. All we continue to do is try to run this province into bankruptcy, so we're going to get the small business guy, the small employer, to pay." This amendment that is before members now says, "At least exempt the small employer."

Every question that has been placed to this Minister of Revenue this afternoon has either not been answered or he has said two things: "That question's already been answered in this House a number of times," or, as he said earlier, "The Minister of Health gave a perfectly adequate answer to that question." The fact of the matter is that the people of this province know what is going on.

1730

The Minister of Revenue should not be mistaken; he cannot be the Minister of Revenue and sit in this House and not answer questions. If he is taking the public's money, he has to tell it why. He has to tell the public why it is that he will not support this Progressive Conservative amendment. The public has a right to know. They have a right to know. The employee who goes to his boss for a raise has the right to know when his boss turns around and says:

"I can't give you a raise this year. I'm sorry. I'd like to give you a raise. You're hardworking, you're a committed, well-serving employee, but I can't give you a raise this year because the Ontario Liberal government is now taxing me

two per cent of my salaries in this organization in order to pay for health care."

That employer cannot pay taxes and give increases in wages, and if employees do not get increases in wages, how can they live with the kind of inflation that this kind of policy drives in this province?

The minister talked about the goods and services tax and he complained about what the federal government did, but what he has not done is come across in an honest way with the people in this province. The people in this province say that this government is dishonest. The people in this province are saying that they question the tax bills of this Liberal government because it does not come clean with them. Here, when we are trying to ask questions about what actually is going on, how many people are still paying OHIP premiums, the minister stands up and says, "We're doing away with OHIP premiums. We know you're in favour of them," but he will not say how many people are paying OHIP premiums. He will not say whether it is an issue or not.

The fact is that the Minister of Revenue stands here pushing through these taxation bills, which is purely what they are, and refuses to answer questions. Quite frankly, I am amazed, the little that I know of this minister, that he would not be more interested in his own personal integrity, in his portfolio, and would at least want to tell the public what is going on and say: "Look, we're going bankrupt because of the cost of health care. We have to do this, folks." But he should not try to snow them by saying the government is not doing something that it is doing. What they are doing is taking double-billing money for the first three months of next year.

Hon Mr Mancini: I will not make any personal attacks against the honourable member opposite. I will just try to answer the questions that have been put forward, like I have done all afternoon, and anyone who has been watching the proceedings of the House this afternoon will know that all questions have been answered.

As a matter of fact, I underestimated the give-back to the general public. Earlier I said we were giving back \$450-million worth of premiums paid. In actual fact, it is \$550 million back to Ontario residents who are paying their own premiums. There are 277,300 individuals who are paying their own OHIP premiums and there are 316,000 families paying their own OHIP premiums. That excludes those who were on full or partial assistance, which is paid for by the government of Ontario.

Mr Cousens: It is rather a strong disappointment that the member for Mississauga South has tabled a number of questions and a number of concerns, along with a very reasonable amendment to this bill, and on the face of it the minister comes back and says everything is okay. It is not, because on the one hand all these municipalities and school boards have not budgeted for any of the costs that the minister is not going to relieve them of now. It is going to be largely funded by Ontario.

What is happening on this one is that this is just another reason why the municipal tax structure is going out of control, where the province is not carrying its weight but passing the responsibility on to local governments and therefore causing them to increase their local mill rate so that the taxpayers are going into double-digit increases. Etobicoke, just today—

The minister waves his hand as if it is not important. I will tell him this much: The people might be doing that to him in the next election because they are going to realize that it is his government that has passed on so many of these programs to the local municipalities, to school boards and other jurisdictions underneath this one, causing them to pay the bill.

Why does he not come back with a counter-amendment of some kind where he will at least subsidize these extra costs in some way? It is one huge pot that he controls and he is not doing anything to turn the tap on for those at the lower level. How can he not do that when at the same time—I have to consult with my honourable friend the member for Mississauga South on this one; if she has made it in her own remarks, I would like to re-emphasize it—certain people are exempt from having to pay this health levy, especially if they are lawyers?

Mr Daigeler: She made that point.

Mr Cousens: And I want to make it again because it is a good one. I think that is a good one and I just want to compliment her.

What groups are excluded from it?

Mr Pope: Vince Kerrio is excluded.

Mr Cousens: But he is a senior. Anyone who is a senior should be protected and I want to make sure that we do that. Even though the member for Niagara Falls acts like a teenager, we will treat him like a senior when it comes to this.

Mr Pelissero: He has the body of a 20-year-old.

Mr Cousens: I do not want to get into what his body looks like.

Mr Pelissero: The 20-year-old wants it back.

Mr Cousens: I am concerned that there are certain people who are not going to be paying this levy. I would like the minister at this point, if you would be so kind, since you have not answered one question, to tell us who is being exempted from this bill, including lawyers, doctors, dentists and any other professional group.

Mr Pelissero: Farmers.

Mr Cousens: Farmers. Would you be so kind as to give us that full list? How can you do that on the one side and not approve this amendment moved by the member for Mississauga South?

The Chair: Order, please. May I remind all members when you are addressing your remarks in the House to address them through the Speaker, in the third-person singular or plural. The standing orders do not call for members to address other members directly, I may remind you. Did you want to respond, Minister?

Hon Mr Mancini: We have spent the better part of two hours this afternoon and we are still on section 2. We have not placed any government amendments. We have spent the afternoon answering questions that have been placed by the opposition. We have answered each and every question that has been placed.

The honourable members know, because it was discussed thoroughly in committee last week, in committee hearings the weeks before and in the briefings that my officials gave to the honourable members who were interested a couple of weeks prior to that, that in fact the self-employed at this point in time are excluded in the same manner in which the self-employed are excluded in the employer health tax in Manitoba and also in Quebec.

Mr Cousens: Is that his answer? Is that the minister's answer? If he is saying that he is giving answers in this House, I want to go on record right now, through you, Mr Chairman. That is just a copout, a full and complete copout, and he has not begun to face up to the questions raised by the member for Mississauga South or to the question that I just raised. Let him come back and be more responsible with his answers. It is too bad you do not have any control over him.

The Chair: Are we ready for the vote?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Mrs Marland: I will tear up another amendment, which goes against the people of this

province. The people of this province will certainly have a very clear understanding about what is taking place here.

1740

The Chair: Mrs Marland moves that subsection 2(1) of the bill be amended by inserting after the word "employer" and before the word "shall" the words;

"except an employer who is a city, town, village, township or county within the meaning of and for the purposes of the Municipal Act [RSO, 1980, chapter 302], a regional municipality, or a school board, hospital, college or university who shall be exempt from tax under this act."

Mrs Marland: The minister said that all these matters have been discussed thoroughly in committee. I would like to correct the record. None of these amendments was discussed in committee. I think it is very important that the record be accurate. These amendments were not placed in committee and they are being discussed here in the House today for the first time. So I would appreciate it, when the minister speaks, if he would try to relate the facts.

I think the facts are very clear in this final amendment. This is the opportunity for the Minister of Revenue, a minister of the crown of this province, to try—

[Applause]

Mrs Marland: I think it should be noted that it is the the Minister of Health who is applauding the Minister of Revenue. I do not think that this is a humorous session at all. I think that this is a very serious matter to the people of the province. If the other ministers have come in to make this into some kind of charade, then so be it, it is up to them. But it so happens that those of us in the Progressive Conservative Party see this as a very serious matter and I take exception to the Minister of Health applauding and thinking that this whole thing is a joke.

It is not a joke. The people of Ontario know it is not a joke and the employers in Ontario know it is not a joke. Certainly the employees who are looking to have increases in their salaries and wages simply will not be able to get them because their employer cannot pay two per cent on their salaries and give their employees increases as well. So everybody gets hurt with this legislation. Let's not miss that point.

The other fact is that it is 1.95 per cent, or two per cent, for next year. We do not know where it is going to be six or seven years from now because it is going to be a wonderful cash cow for

this Liberal government, as with every other piece of taxation it imposes, because it cannot manage its Treasury, it cannot balance its revenues with its expenses.

When it comes to health care, in this amendment I am simply moving that those bodies that depend on government funding be exempt from this taxation, the very thing that this government asks of the federal government in the discussion of the goods and services tax. The goods and services tax was criticized by this government because it is understood that when it comes in it will not exempt other levels of government. This government criticized them for that. This motion simply asks that this government have some wisdom and exempt those very members of its family that it sends transfer grants to; namely, hospitals, school boards, colleges and municipalities. It simply says, "Exempt them from submitting the employer health tax on behalf of their employees."

As my colleague the member for Markham (Mr Cousens) says, it is perfectly true that none of those bodies has budgeted for this health tax. With regard to the school boards, the figure in Peel is horrific. We are not talking here about the difference between what school boards, colleges, hospitals, universities and municipalities paid on the one hand for OHIP premiums as part of the package for their employees; we are talking about the difference between that and what this employer health tax presents. The fact of the matter is that we are talking of upwards of \$500 million dollars, the difference between those.

For this minister not to agree to exempt those government bodies and municipalities—I say again, with the Minister of Health in the House, why on earth could he not exempt at least hospitals? It is this Liberal government which says that health care is such a crucial part of its budget that it cannot cope with the burden. Well, if it is taxing the public of this province to pay for health care, why would it not exempt the hospitals? That is beyond us.

We are talking about at least \$60 million to hospitals, yet the government is collecting the money on the one hand to pay for health care. In taxing hospitals it is adding to the tax burden and the operating costs of those hospitals. So if the Minister of Revenue cannot accept my entire amendment, he might at least accept the part that exempts hospitals rather than adding to their expenses by \$60 million. It is so convoluted. It is unbelievable that the government is taxing for health care and, in so doing, adding to the

expenditure of operating hospitals. It is beyond any common logic.

Hon Mr Mancini: Let's try to put in perspective what we have heard today from the spokesman for the Ontario Conservative Party. We have heard, I guess, that she is for the goods and service tax. We have heard that she is for, and her party is for, OHIP premiums.

I said earlier that if OHIP premiums had been indexed to the consumer price index since 1984-85, when this government froze OHIP premiums, the take today would be \$2.6 billion, not the \$2.1 billion that we will be taking in from the employer health levy. If the honourable members want to refer to a \$500-million figure, that is one figure they can easily refer to.

I am sure that the thousands of people who are watching today, particularly the families and the individuals that pay their own OHIP premiums—the 277,300 who pay their own OHIP premiums, the 316,200 families that pay their own OHIP premiums—and the thousands of others who receive partial and full assistance from the government of Ontario are pleased with our actions.

Interjections.

The Deputy Speaker: Order, please.

Hon Mr Mancini: I know that the companies which are paying full OHIP premiums for their employees, while other companies pay only half or none at all, will be happy that all employers will take some responsibility. I know that the small business sector is pleased that it is being charged at the half rate. I also know that we are putting \$1 billion back into the pockets of Ontario citizens.

Finally, the honourable member talked about the deficit and talked about moneys coming in and moneys going out. I am very surprised that any Conservative member would even refer to the deficit because the fact is that when we took over office the deficit was well over \$2 billion and climbing steadily, climbing out of control. Last year, the Ontario deficit was reduced to \$600 million by the initiative of the Treasurer and by the initiative of this government.

Mr Pope: This will take a while. The minister would have the people of this province believe that this party will stand by and see this government, for the second straight year, rip \$1.3 billion out of their pockets; that we will stand by and see businesses and individuals pay more taxes than at any other time in the history of this province; that they will pay 53 per cent personal income tax to the provincial govern-

ment as a percentage of the federal income tax rate; that they will pay eight per cent sales tax; that they will face their third increase in the gasoline tax in two and a half years; that they will see the cost of housing go up because of two successive increases in the land transfer tax; that we will see a commercial concentration levy that will have an impact on the greater Toronto area which will result in increased costs and prices for every single resident of the great municipality of Metropolitan Toronto; that we will see a \$5 tire tax with the phoney excuse that it will go to environmental issues when it is going straight into consolidated revenue; that we will see increases in virtually every single tax mechanism at the disposal of the Liberal government of Ontario.

1750

When we see increases of 46 per cent over three years in the administration costs of this government; when we see waste of money shown by the auditor's report for two successive years; when we call for some fiscal and financial responsibility from the Liberal administration of the government of Ontario, and it says we are in favour of its taxes or any tax increases, the answer is no, not one whit.

We will oppose every single tax measure until this government learns fiscal and economic responsibility; stops ripping dollars out of the taxpayers' pockets and starts to mind its own shop; cuts down the administrative costs, cuts down the costs of consultants in housing, cuts down the cost of advertising for all of its programs, cuts down on the administrative costs, cuts down on the party costs and the membership costs in clubs for the Attorney General (Mr Scott), and shows some fiscal and economic responsibility. Then the government can bring its tax measures back into this House, but do not try to con the people of the province of Ontario that it is acting in their best interests because we know it is not.

Mrs Marland: I think I have the right to correct the minister. He said a few moments ago that I stood in this House this afternoon and said I was for a number of things. It is very unfair and it is totally inaccurate of this minister to say that I am for the goods and services tax, because I did not say I was for the goods and services tax. My reference to the goods and services tax was to quote this Liberal government's comments on that tax, which said that it should exempt public bodies and institutions, the very thing I was asking in my amendment to exempt.

He said I am for OHIP premiums. Finally, he gave me the figures. I think he said there are 277,000 individuals who pay their OHIP premiums. The fact of the matter is that among those individuals who pay their own OHIP premiums there are the self-employed professionals—doctors, dentists, lawyers, whatever kind of individual professional one wants to add to the list—who presently happily pay for health.

People do not live in Alice in Wonderland. People in the real world understand that yes, there is a cost to health care. People in the real world accept the fact that they have to pay for health care protection. They know that because there are still people living in this province today who remember what it was like when they did not have an OHIP premium that gave them the protection and the insurance so that when they were ill or their family was ill they could access surgical procedures and health care without having to mortgage their homes.

There are still people today who remember that in Ontario, and those people are very reasonable people who say, "We would be willing to pay," especially those people in the upper income brackets who by this bill no longer have to pay anything towards health care. Interestingly enough, in the example the minister gave, he spoke about what it costs to be protected for health care in the United States. It is interesting that he says if we were in the United States it would cost us this, this and this.

We know what health insurance costs in other locations. That is not the argument. The argument is that this bill is so badly drafted that it exempts people who do not need exemptions, and more importantly, those people are not even asking for exemptions. They are not even asking. We do not hear a lawyer, a doctor, a dentist or a self-employed professional saying: "Look, folks, I cannot afford to pay for health insurance. I expect the government to pay for health insurance."

Those people have to be given more credit. They understand how it works. They understand that the government collects money to fund certain programs and they are willing and able to pay their own fair share, but in this bill there is this great big loophole, and when I asked the minister about it his answer was, "We're looking at that."

This minister comes to this House with a piece of legislation where he says, "We do not have any answers to the matter yet, but we want to explore it." I would suggest that if this minister does not support my amendment, then Bill 47 is

premature. If they still have matters that they have to explore, then they have brought this legislation in ill prepared and ill drafted. Since the minister has used a number of quotations this afternoon about what happens in other provinces, it is significant to note that even if he had supported my amendment for an exemption at \$400,000, it would not have been as generous as in Manitoba where the exemption is \$600,000.

So, when this minister talks about who pays for what, he had better be very clear about the reality that people do expect to pay for some protection in terms of health care, especially those people who can afford to. That is how the system works in Ontario today because we have premium assistance in Ontario and have had for some time prior to the Liberal government, I might point out. There is not a person living in Ontario today who cannot afford an OHIP premium and who is forced to pay it. We have premium assistance for those people in this province today who cannot afford to pay the full premium.

Therefore, for this government to say it wants to tax every employer, and as I say, ultimately every employee, is such a regressive, unjust tax that this government should be ashamed. They should be ashamed because of the fact that businesses are going to go out of business because of this health tax levy and employees are going to simply be out of work. It will not be a matter of people being able to access anything because we are driving people out of this province with the kind of taxation this Liberal

government is imposing. This employer health tax levy is just another example of it.

Mr Cousens: I would be very interested if the honourable minister would respond to the remarks by the member for Mississauga South, and in particular if he could say why it is that the legislation excludes lawyers, doctors, dentists and other professional groups from this bill. The minister is obviously too busy talking to someone else to listen to the debate. We are here trying to do our job and he is ignoring us. Would you please draw that to his attention, Mr Chairman? Would the minister give a response to that?

The Chair: Order, please. There are many private conversations; if they would stop, please.

Hon Mr Mancini: Mr Chairman, I know you have been here all afternoon. I know a lot of others members have been here most of the afternoon, and anyone watching these proceedings would know that I have responded to each and every question that has been put.

Mr Cousens: The minister has not answered the questions. The minister has not answered this question. It is time the minister stood up and gave the honest truth. The members can clap us down. We are not about to be clapped down.

This minister is failing in his responsibility. We will vote against this bill, and if I lived in his riding, I would vote against him.

On motion by Mr Ward, the committee of the whole House reported progress on one bill and reported one bill with certain amendments.

The House adjourned at 1802.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Oriole L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaître, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrundola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Tuesday 12 December 1989

Members' statements		Property assessment	4705
Retail store hours	4695	Mr Cousens	
Mr Kormos		Mr Mancini	
Northern Ontario heritage fund	4695	Transit services	4705
Mr Harris		Mr Matrundola	
Media Day	4695	Mr Wrye	
Mr Ballinger		Social assistance	4706
Northern development	4696	Mr Allen	
Mr Pope		Mr Beer	
4-H Club	4696	Electricity demand and supply	4707
Mrs Sullivan		Mr Cureatz	
Co-operative housing	4696	Mrs McLeod	
Mrs Grier		Hamilton harbour	4707
Highway safety	4697	Ms Oddie Munro	
Mr J. M. Johnson		Mr Bradley	
Plastics recycling	4697	Regional municipality of Niagara	4708
Mr Daigeler		Mr Wildman	
Oral questions		Mr Sweeney	
Retail store hours	4697	Petitions	
Mr B. Rae		Animals for research	4708
Mr Scott		Mr Wildman	
Affordable housing	4698	Naturopathy	4709
Mr B. Rae		Mr Kanter	
Mr Sweeney		French-language services	4709
Retail store hours	4699	Mr MacDonald	
Mr Brandt		Mr Matrundola	
Mr Scott		Licensing of tobacco products	4709
Health insurance	4700	Mr Allen	
Mr Brandt		Committee of the whole House	
Mrs Caplan		Courts of Justice Amendment Act,	
Tourism industry	4701	1989, Bill 69	4709
Mr Hampton		Mr Polsinelli	4709
Mr Black		Mr Sterling	4710
Hospital services	4702	Mr Kormos	4713
Mr Eves		Reported	4715
Mrs Caplan		Employer Health Tax Act, 1989,	
Plastics recycling	4703	Bill 47	4715
Mr Daigeler		Mr Mancini	4715
Mr Bradley		Mr Sterling	4716
Proposed hospital merger	4704	Mr Pope	4716
Mr Reville		Ms Bryden	4721
Mrs Caplan		Mrs Marland	4723
		Mr Harris	4723
		Mr Cousens	4726
		Mr J. M. Johnson	4731
		Progress reported	4737

Other business		Press release	4697
		Mr Offer	
Apples	4695	The Speaker	
Mr Miller		Adjournment	4737
Visitor	4695	Alphabetical list of members	4738
The Speaker			



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Second Session, 34th Parliament
Wednesday 13 December 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 13 December 1989

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

BREATHALYSER MACHINES

Mr Farnan: Recently, I received a letter from a group of students at Wilfrid Laurier University. They are urging changes to the Liquor Licence Act of Ontario. Members may be aware that on 29 January 1989 a young man died choking on his own vomit after a night of heavy drinking at his university residence and campus bar.

In the letter, signed by Carolyn Fleck, Kimberley Gardhouse, Lisa Gaudet, Dwayne Gomes and Doug Isbister, the students suggested regulation 581, section 35 be amended to provide for the inclusion of breathalyser machines within the canteen as a requirement for obtaining a liquor licence.

The students believe that the introduction of breathalyser machines in campus bars would offer an option which could be used in controlling the alcohol consumption of patrons. If the bar employee believes someone who is driving is over the legal limit, he could ask the customer to voluntarily use the breathalyser machine. Depending on the results, he would decide whether to refuse service. If the patron refused to take the test, the bar could utilize its right to refuse service.

The students included with their correspondence an 88-name petition in support of their recommended amendment. I will table this petition later this afternoon.

I would urge the Minister of Consumer and Commercial Relations (Mr Sorbara) to take seriously the suggestion from these concerned students.

POST-SECONDARY EDUCATION

Mr McLean: My statement is directed to the Minister of Colleges and Universities (Mr Conway). The recent auditor's report makes reference to a former president of the University of Guelph who was employed by the university from 1948 to 1970.

He returned as president for a contract term of four and a half years from January 1984 to June

1988. The contracted salary in 1987-88 was \$148,500. He also received \$24,750 annually in lieu of administrative leave. His employment contract stipulated that he would not participate in the university's pension plan.

When his contract expired at the end of June 1988, he received an early retirement option payment of over \$100,000. Also on retirement, the president received in excess of \$30,000 for 48 vacation days.

I just cannot understand how the minister can justify this when we recently saw more than 8,000 teachers, librarians and counsellors at Ontario's 22 community colleges manning the picket lines for about 30 days as they sought a reasonable wage increase.

More than 100,000 college students were adversely affected by this prolonged strike, and it looks to me like another example of the government's policy of robbing Peter to pay Paul. I honestly do not think the government can justify this questionable disparity between what happens at the University of Guelph and Ontario's 22 community colleges.

EARTHQUAKE IN ARMENIA

Ms Oddie Munro: A year has passed since December 1988 when the people of the world united in an effort to help those who were struck by the devastation of the earthquake in Armenia. On Sunday last, 10 December, the Armenian community of Hamilton held a requiem service and ceremony at the Armenian Community Centre on Princess Street. The service was in memory of an estimated 55,000 missing persons, only 25,000 of whom have been officially accounted for. Tens of thousands more have suffered and are suffering the aftermath, including grieving families and friends in Canada.

Reconstruction is proceeding slowly, with evidence of a blockade of equipment and supplies, isolation of communities through road reconstruction, families still inadequately housed, clothed and fed. In addition, the strife in Armenia which has pitted ethnic communities against each other shows the grim paradox of aiding people, only to see them victims of prolonged civil strife.

During this week of international human rights reflection, and during this time of phenomenal changes in the Soviet Union and eastern European countries, it is appropriate to increase the pressure on Mikhail Gorbachev to extend political reform to Armenia. Mr Gorbachev made history by allowing rescue workers into Armenia during the earthquake. It will be a sad day in history if the Armenian people continue to be deprived of their rights in the Soviet Union, of their desire to be part of the political reform and to be acknowledged as the rightful occupants of their own land.

LAND USE PERMITS

Miss Martel: New Democratic Party Housing critics both past and present have repeatedly raised cases involving rental adjustments which are unreasonable and unfair. Tenants have faced rate increases which have been far beyond even what the landlords ask for in the first place, but the most obscene rental adjustment I have seen today comes not from the Ministry of Housing but from the Ministry of Natural Resources.

Once of my constituents recently received a notice from the ministry regarding his land use permit. He was advised that MNR is moving to sell or rent all crown lands at market value. Therefore, a market value evaluation was conducted on his land use permit area to reflect the current value of his site. Under this evaluation, his rental fee jumped from \$20 a year to \$295 a year. This represents a 1500 per cent rental increase.

It is obvious that the Ministry of Natural Resources could teach the Ministry of Housing a thing or two about taking tenants to the cleaners. In this case, the evaluation took into account things like lake size, water quality, big and small game habitat, accessibility, etc. My constituent does not have a road, nor water or train access to the camp. Further, any improvements made to the camp itself were not part of the evaluation. Can members imagine what his assessment would have been had this been taken into account?

This case must be reviewed and a reasonable fee applied to the land use permit, and all other land use permits should also be reviewed to ensure this ridiculous situation is corrected.

ABANDONED RAIL LINE

Mr Eves: I would like to express my support for the Ontario Trail Riders Association and the Parry Sound Area Chamber of Commerce in their bid to secure public ownership of the right of way

of the Ottawa through Parry Sound abandoned railway, specifically that part in Renfrew county.

Negotiations concerning this issue began in 1983 when the Ontario Trail Riders Association approached the Ontario government in order to ensure that this land would remain in public ownership. In 1985, the CN Renfrew was identified by Norm Richards, then director of the parks and recreations area branch, as one of three priority corridors that have the greatest benefit from a recreational and tourist standpoint.

A recent report commissioned by the Parry Sound Snow Sport Association proves that developing these railway lines into trails would increase year-round tourism in the area and provide opportunities for new business development. It has also been proposed that the trails could be used as a future utility corridor which will be economically advantageous.

The Ontario Trail Riders Association with the Parry Sound Area Chamber of Commerce have complied with the request of the member for Niagara Falls (Mr Kerrio) in 1989 as Minister of Natural Resources to produce a management plan for the trail. This preliminary impact study of the trail, along with a 40-mile stretch of the trail, found that \$1.4 million is generated for the winter season alone.

It would be unfortunate if the province were to lose this very valuable resource. The asset as a public right of way connecting the Great Lakes with the nation's capital through mid-Ontario should be retained in public ownership, where it has been for decades.

1340

TROPICANA COMMUNITY SERVICES

Mr Faubert: Next Monday, 18 December, 1989, Tropicana Community Services will be celebrating its 10th anniversary.

Tropicana Community Services is a Scarborough-based agency offering advocacy, day care, counselling information and referral services, as well as a youth club and after-school program. Its clients include young people and their families who may be economically, educationally or socially disadvantaged. Many of their programs are directed within Metropolitan Toronto Housing Authority developments, and one of their best-known athletic programs is the annual MTHA basketball tournament.

Tropicana Community Services also played an important role in the Jamaican hurricane relief effort by assisting in the co-ordination, collection and shipment of clothing and supplies to Jamaica at that time.

Another important program in which they play a part is the WOW, or work orientation workshop. This a federal program designed for youth 14 to 16 years of age. It introduces them to work experiences which they would not otherwise have and helps provide them with confidence to realize their career potential.

I would commend everyone who has been involved with Tropicana Community Services over the past decade. In particular, I would single out Barry Thomas, former executive director; Yvonne Blackwood, president, and Noreen Alleyne, the current executive director.

It is organizations such as Tropicana that reach out into our community to break down some of the barriers in our society to ensure that everyone has an equal opportunity to live up to his potential. For this reason Tropicana should receive every support and encouragement from all levels of government.

PAY EQUITY

Mr Mackenzie: The Libby-Owens-Ford plant in Lindsay, Ontario has become a classic example of one of our worst corporate citizens in the province. Not only has it gone out of the way to break and disobey the safety and health legislation and employment standards legislation, but it is now trying to do exactly the same thing with our pay equity legislation in Ontario.

At a meeting last week, the company called in the plant chairperson to insist that she sign a document clearly stating that the company did not need to meet the provisions of the act, did not need to set up a committee and did not need to hold discussions on pay equity within that particular plant. That obviously violates subsections 9(2) and 14(1) and (2) of the new pay equity legislation.

Not only is it an example that they are prepared to flout the pay equity legislation, but it is interesting to note that at the same time, they decided that union members with a grievance would be allowed only 15 minutes at any time to deal with grievances, and they have not responded to grievances filed in some period of time.

If, in this province, we are looking indeed for better labour-management relations, obviously we have to do something about a firm that deliberately goes out of its way, time and again, month after month, to disobey the labour laws of the province of Ontario. It is time we did look into these cases and decide what we are going to do to see that the pay equity legislation is not yet one more act that this company has decided it does not need to obey.

CAPITAL FUNDING FOR SCHOOLS

Mr Jackson: Last week I asked the Minister of Education to discuss the capital costs associated with his new kindergarten initiative. Instead of guaranteeing that local taxpayers would not have to pay for yet another provincially mandated program, he sidestepped the issue.

His own ministry allocated \$400,000 to the Durham Board of Education for the construction of just two kindergarten classrooms. At that rate, it would cost over \$500 million to build classrooms for the 53,000 four-year-olds who are currently not attending junior kindergarten in Ontario.

I am not questioning the value of junior kindergarten, but I am concerned by the minister's refusal to give a straight answer to school boards and taxpayers about the real cost. The minister's refusal to discuss the matter is a clear indication that the province is unwilling to cover the program's full cost.

Education property taxes increased by a \$1 billion last year because of a relative decline in the provincial share of education funding. School boards are already projecting double-digit mill rate increases again this year, which indicates another \$1-billion surge in property taxes. Angry ratepayer organizations are reacting to this latest increase. They are tired of footing the bill for trendy provincial programs at the expense of basic education.

Before the minister refuses to offer assurances to taxpayers, he should remember that property tax, unlike income tax, is not based on ability to pay. Property taxpayers should not be punished just because the minister wants to add a new twist to education in this province, and trustees should not be blamed.

MISSISSAUGA HERITAGE FOUNDATION

Mr Mahoney: I would like to bring to the attention of my colleagues in the House the Mississauga Heritage Foundation. The motto inscribed in the city of Mississauga's coat of arms is "Pride in our past—faith in our future." The Mississauga Heritage Foundation provides a vital link in the preservation of our past for all residents.

The foundation was launched on 6 December 1960 in order to save the historic Lewis Bradley house from demolition. Since that time, the foundation has expanded to include the acquisition, restoration and management of historical buildings and sites. One of its current projects, as it celebrates its 30th anniversary, is the restoration of the Anchorage.

The Anchorage is a heritage home that was moved from its original location to the Bradley Museum site in June 1978. It is one of only three regency-style cottages to be found in the province. It was originally named the Anchorage by a retired captain from the Royal Navy, John Skynner.

Through private fund-raising activities and the support of this government, the Mississauga Heritage Foundation is embarking on an ambitious program of public use on a year-round basis for the Anchorage. The Anchorage will be used as a tea room and a meeting place, host gallery displays and exhibits, as well as provide accommodation for collection storage.

By preserving our past we are able to build on our future, and I congratulate the staff, members and volunteers of the Mississauga Heritage Foundation for their hard work, their dedication and their pride in our past.

VISITOR

The Speaker: Just before I call the next item of business, I know the member for Windsor-Riverside (Mr D. S. Cooke), and all members, would want to join me in welcoming the former member for Windsor-Riverside, Fred Burr, back to the chamber today.

ORAL QUESTIONS

HOSPITAL SERVICES

Mr B. Rae: I was hoping to ask this question of the Premier (Mr Peterson) and was told that he was here, but since I understand he is not, I will go with the next best thing, the Minister of Health.

Hon Mrs Caplan: What's this?

Mr B. Rae: I am asking the minister a question.

I know that the minister has already issued a press release and answered a question in the House with respect to the inquest into the death of Stella Lacroix, but I have some questions for the minister about her answers to the statements that are found in the inquest.

The inquest states categorically that Dr Nedsdoly and the nursing supervisor are to be commended for their dedicated and sincere efforts on behalf of their patient Stella Lacroix, and that recognition should also be given to Mr Sharkey of the integrated trauma program for offering his assistance when he was by no means required to do so.

I want to give the minister one more chance to explain to this House why she and the Premier are not willing to at least apologize for having left the

clear impression with the entire public that a system was in place which these dedicated professionals failed to use.

The Speaker: And the question?

Mr B. Rae: That was the impression left by the Premier and by the minister. I want to ask her, will she at least do the decent thing now and apologize in the face of the findings of the jury in the coroner's inquest?

Hon Mrs Caplan: I would say to the Leader of the Opposition that I have at all times spoken of the dedication of all of the health providers of this province. I commend all of the care givers who attempted to assist Mrs Lacroix and I commend the jury, as well, which sought out all of the facts in this case.

But I would say to the Leader of the Opposition, that just because he says something does not mean that it is factual, which unfortunately often becomes the case in this House. Just because he leaves an impression does not mean that is correct. I would say to him that I never blamed anyone. I never, at any time, suggested that there was a province-wide hotline in service. I was referring at all times to the system at the Toronto General Hospital and to a letter which its officials gave to me and which, at the inquest, they say they stand by.

1350

Mr B. Rae: I cannot believe that the Minister of Health fails to understand the implications of what she said and did in those short days after the death of Stella Lacroix. All members I think in their hearts know exactly what took place in this House. The Premier and the minister left Dr Nedsdoly out to dry. That is precisely the effect of what they said in the House and what they said outside. Thank goodness the coroner's jury has come to his defence.

I would like to ask the minister one particular question relating to the inquest. On page 3 of the inquest report, there is a very specific recommendation, made by the jury, that nurses be compensated for specialized training, and second, that the Minister of Health, together with the Ontario Nurses' Association and hospital administrations, address the shortage of nursing staff in the Metropolitan Toronto area. The situation has reached a critical stage and seems to be a hindrance to the availability of continued quality health care in southern Ontario.

The health manpower study of the ministry shows how serious the shortage of nurses is in the latest ministry survey. I wonder if the minister can tell us whether she is prepared to provide the

hospital administrations with the funds necessary to compensate nurses for specialized training.

Hon Mrs Caplan: I would like to make clear to the Leader of the Opposition that there are more nurses working in Ontario's health care system than ever before. Nursing staff concerns often relate to the difficulties in specialized units or in certain geographic areas, and that is because we have in fact enhanced the system significantly.

As the member knows, over the course of the last number of years, hospital-based budgets and hospital funding generally has increased very, very significantly. The Treasurer (Mr R. F. Nixon) just announced for this year an 8.7 per cent increase for hospital budgets across this province. I am sure the Leader of the Opposition will say that is inadequate. We know that he criticizes everything that we do—that is his job—but I want him to know that all issues relating to pay, salary and income are issues of the collective bargaining process between the nurses and their union, the Ontario Nurses' Association, and the employers, the hospitals, through the Ontario Hospital Association. He knows that.

Mr B. Rae: I cannot believe the minister is rejecting the most basic finding of the jury's statement. The jury said that there is a particular problem in Metropolitan Toronto. The jury suggested that the way to deal with that problem is for nurses who are involved in the most critical areas, where there are the most critical shortages, to be paid enough to keep them in those jobs. That is basically what is being suggested.

Her own survey shows that we are 1,900 nurses short across Ontario, that we have a vacancy rate in Metropolitan Toronto of nine per cent, that in some hospitals it is way above that and that in critical care it is way above that. If the minister does not appreciate that there is a nursing crisis in some hospitals and in some areas, then she is completely missing the point of everything that has happened in Ontario in health care in the last two years.

Is the minister prepared to fund the hospitals to the degree necessary to end this kind of a shortage?

Hon Mrs Caplan: Since 1985 there has been a growth in both the absolute numbers of registered nurses in Ontario and the number of nurses entering the workforce. There has been an increase of some 6,300 RNs registered in the province since 1985. I would say to the member that our recent nursing initiatives, which I announced, a five-year, \$15-million program to

improve both nursing recruitment and nursing retention, involved six very specific areas.

There is a five-year, \$5-million nursing innovation fund, as well as annual nursing bursaries. The member knows that I fully understand these issues are very, very complicated, but I would say to him that I will be referring the recommendation of the jury and be sure that it is brought to the attention of the Ontario Nurses' Association, which bargains in the collective bargaining process with the Ontario Hospital Association.

I want the member to know that last year as well Ontario hospitals received \$6 billion, 223 hospitals in this province received some \$6 billion, but that the nursing wages are established as part of the collective bargaining process. Surely he is not suggesting that we intervene in that process.

CANCER TREATMENT

Mr Reville: To the same minister, since we are doing so badly. We get from the Minister of Health a version of the "have a nice day" wish chant that people are familiar with, and that is the "quality care as close to home as possible" wish chant.

I was speaking this morning to a man in Brantford, Ontario, who is in great anxiety because his father is in Ottawa, Ontario: same province at least, but about 300 miles away. His father is there because the cancer referral centre referred him there. The problem, among many problems, is that he was referred there on 22 November, and the Ottawa facility has said, "Maybe we can start your radiation treatment in January."

Quality care close to home does not work. What about the care that they need when they need it?

Hon Mrs Caplan: The critic in the opposition knows full well that my priority is to see that people get care when they need it. That is the reason that we are working with our partners to see how we can improve the system, to see that people are referred to a location as close to home as possible. He knows as well that I am always prepared to review individual cases to see if appropriate action has been taken. We rely on doctors to use their very best judgement, but my priority always is to see that people have access to the services that they need, effective quality services, when they need them.

Mr Reville: The other option was Thunder Bay, which, the last time anybody I know drove there, was 17 hours from Brantford, Ontario, as

opposed to five hours from Brantford to Ottawa. My caller and correspondent says this, "It is extremely difficult to accept the diagnosis of cancer to begin with, and at a time when having the support and love of family and friends is so important, the only hope of survival and, apparently, immediate treatment lies 300 miles away."

Has the minister anything better to share with this House than her understanding of that kind of anxiety?

Hon Mrs Caplan: I think that there is not a person in this House or across the province who has not experienced the tragedy or the stress of having to deal with serious illness. We know that the support of family and communities is very, very important. These are very stressful and difficult moments, and at those times we expect an awful lot from our health care system and we want it to be perfect. It is not perfect, and we are always trying to improve it and to work together to improve it.

I want to say to the member that what we want to know, first and foremost, is that the very best possible care has been made available and I want him to know that we are working at the establishment of the kind of standards and quality assurance programs so that people can be assured that wherever they access care across this province they will be receiving appropriate and optimal care.

Mr Reville: There are a number of understatement in the minister's response. It clearly is not perfect. The cancer was spotted in June 1989. My constituent, and I say that in the generic sense, was sent to Ottawa on 20 November.

Hon Mr Scott: What other possible sense is there?

Mr Reville: I wish the Attorney General would try to calm himself. I know it must be really irritating to be an Attorney General for that kind of government.

Somehow five months elapsed before the referral centre could even find a place to send the person suffering from cancer, and once he got there, he was then told he was going to have to wait two more months. There is a huge irony in this. The minister will probably know if she has read the history that Dr James Hillier comes from Brantford, Ontario. The member for St Andrew-St Patrick (Mr Kanter) knows that because he comes from Brantford, Ontario. It is not just the home of the telephone; it is the home of radiation treatment.

1400

The Speaker: Order. Do you have a question? I do not know if there was a question there or not.

Hon Mrs Caplan: I think it is important for all members of this House to realize that if something has gone seriously wrong, there are highly effective procedures, processes and organizations, like the College of Physicians and Surgeons of Ontario, which will thoroughly investigate any particular case. I do not question physician judgement.

I have to say to the member opposite that if the College of Physicians and Surgeons receives a complaint about the care that any individual has received from any doctor in this province, it will investigate and best advise the patient as to what to do. I would say to him that in fact we are always trying to improve. I understand the frustration, and if he has any advice, he knows that I am always open to his suggestions on how we can make the system a little bit better tomorrow than it was yesterday.

HEALTH INSURANCE

Mr Brandt: My question as well is for the Minister of Health. I have to say to the minister, and I say this with respect, that it is almost painful the way we have to extract answers to questions to clarify policies on the part of the Ministry of Health. I want to attempt it once again today, because of some confusing signals that the minister sent out yesterday in response to questions in answers that she gave both inside and outside of this House.

Inside the House, in response to my question, the minister indicated that in order to be assured of health coverage after 1 January, those individuals who had received bills during the latter part of 1989 for their OHIP premiums would in fact have to pay those premiums to have health coverage for January, February and March of the new year.

Outside of the House, the minister indicated even if those premiums were not paid, those individuals would have access to the system and would not in fact be charged for any health-related expenses, should they become ill some time in the first three months of the new year. Could the minister once and for all clarify the position of her ministry and the government in connection with this whole premium policy?

Hon Mrs Caplan: I would say to the leader of the third party that if there is any confusion in this province, he bears responsibility for it. I will state very, very clearly, as I have before, that all residents will continue to have access to health care services in this province. During this time of

transition it is extremely important that we not confuse this issue. My concern is that people have access to those services. If the member wants to play games with doublespeak and innuendo, then he should bear the responsibility of the confusion that he has created.

Mr Brandt: The word "access" crept into the minister's vocabulary still another day, in spite of my attempt to assist the minister yesterday in how confusing that particular word was relative to the question I am asking. Is the minister saying, and I will give her a specific case, if someone does not pay his OHIP premiums for January, February and March, which he must pay some time before the end of 1989, and if that individual slips on the ice and breaks his leg and is hospitalized but has not paid his premiums for the first three months of 1990, that those health-related costs are going to be covered? It is a simple question.

Hon Mrs Caplan: I would say again to the leader of the third party that I would encourage him during this time of transition from premiums to a tax-funding system for the health services of this province not to confuse the issue in the minds of people. I want the people of this province not to worry as we change the system. As of 1 January, all residents of Ontario will be covered and all residents will have access to the services that they need and they need not worry.

Mr Brandt: We have already established that in addition to a transition period in which the minister is changing the method by which she is going to be collecting money from the Ontario public, that she will be at the very least collecting an additional \$300 million from the system. She will be replacing \$1.8 billion in OHIP premiums with \$2.1 billion in the new employer health levy, which her government has determined is the better way to go.

If in fact it is the better way to go, let's just assure the Ontario public that they are going to be hit with an additional \$300 million. Why does the minister not do the right thing, perhaps to simplify how this whole matter could be clarified in the minds of the Ontario public, by bringing in that change of premium and in fact the coverage on 1 April 1990 and telling the Ontario public that with or without premiums they are going to be covered for January, February and March?

Now, in so doing, I recognize the government will lose the bonusing that the Treasurer has built into this new scheme, but the minister will effectively balance the books. Why does she not do that and come clean and tell the Ontario public

that she is not going to collect that extra money and cover them?

The Speaker: That is a very good speech.

Hon Mrs Caplan: I know that the leader of the third party could understand this if he put his mind to it. The employer health tax will be used to raise revenues to provide the services that the people of this province need and require through the Ministry of Health. He knows as well that this change from a premium to a tax represents a \$1-billion tax cut for the people of this province. That has been explained to him by the Treasurer. I would suggest that maybe he does not want to understand, but I think he could if he put his mind to this.

The member knows how important it is to ensure that health services are appropriately funded. My commitment is to see that people have access to the health services they need. I want to reassure them that as we change from one system to another, they will not be denied access to the services they need. I ask the member, during this time of transition, to try to lessen the confusion by giving the people the facts.

Mr Pope: My question is to the Minister of Revenue. In the absence of the ability of the Minister of Health (Mrs Caplan) to answer simple questions put with respect to Bill 47, the Employer Health Tax Act, 1989—the doctors cannot extra-bill but the Liberal government can. I guess that is the message the Minister of Health has given.

Could the Minister of Revenue do something that the government refused to do for an hour and a half yesterday in the Legislature, and that is confirm what the member for Middlesex (Mr Reycraft), the parliamentary assistant to the Treasurer, said to the standing committee on finance and economic affairs last Thursday 7 December when he indicated that \$500 million would be collected for January, February and March 1990 under the employer health tax levy system, while the government would be collecting \$435 million in OHIP premiums for January, February and March 1990? Will the minister confirm this double collection and that what the member for Middlesex said was true?

Hon Mr Mancini: Let me quote from Hansard of 19 October 1989. Let me quote what the Treasurer said to a similar charge that was made by the opposition at that time.

"Because we count the dollars, and they are not doubled, I can assure the honourable member that the cash flow coming originally from the insurance premiums that end at the end of December and the tax that begins on 1 January

will be identical except for the three per cent increase that is associated with moving the support from 13 per cent, which is where we are now, to approximately 16 per cent, where we will be next year."

That is more or less the identical answer that I gave to the honourable member yesterday in committee.

Mr Pope: Last Thursday the standing committee on finance and economic affairs examined Bill 47. We as an opposition demanded answers from the spokesman for the government with respect to the collection of OHIP premiums up until the end of December for the period January, February and March of 1990. At the same time, the government is taking the employer health tax, payroll tax, for the same period of January, February and March.

1410

Mr Orsini, an official of this government, indicated that for January, February and March, it was collecting \$435 million in OHIP premiums. Two minutes before then, the member for Middlesex, who had called on Mr Orsini, indicated that the payroll tax would give to the coffers of the province of Ontario \$500 million for that same period.

Will the minister confirm that the government is double-taxing the people of the province of Ontario and confirm what the parliamentary assistant to the Treasurer and what his own government official told the members of that committee last Thursday?

Hon Mr Mancini: That question has been asked a number of times. It has been answered a number of times. It is very clear that one system ends on 31 December and that another system begins on 1 January. There are no double dollars that go to the Treasury, as the Treasurer stated to the Legislature on 19 October, but the facts are that well over 270,000 individuals and well over 300,000 families will not have to make OHIP premium payments in the future. They will have their OHIP covered under the new employer health tax which requires all employers to make a fair contribution, with a special half-rate for small business.

Mr Pope: The minister, like the Minister of Health, over many days of discussion has refused to confirm information given to members of a committee of this Legislature by the ministries' own representatives. He refused to confirm this double taxation.

The minister has inadvertently made an incorrect statement to this House just now. He

said the OHIP premium system ends on 31 December 1989. In fact, Mr Orsini, who was called upon by the member for Middlesex to give information to members of the committee last Thursday said, "There are no premiums collected in the January-February-March period, but the payments made for January, February and March"—OHIP premiums—"would amount to over \$400,000 million, approximately \$435,000 million."

How can the minister stand here and deny that people are not paying OHIP premiums for January, February and March 1990 when his own officials told a House committee last Thursday that this was a fact? How can the minister deny the truth of double taxation when it is there for everyone to see?

Hon Mr Bradley: But please spend more on health care while you're at it.

Hon Mr Mancini: That is exactly right and that is what some of the members opposite wanted us to do last night. They wanted us to increase our expenditures in health care and they wanted us to take in less revenue. They know the facts. They have tried to distort the facts.

If OHIP premiums had not been frozen in 1984-85 by this government and if they had been indexed to the consumer price index, OHIP premiums today would bring in to the government \$2.6 billion, not the \$2.1 billion that is going to be brought in by the employer health tax.

SKILLED TRADES

Mr Mackenzie: In view of the absence of the Minister of Skills Development (Mr Conway), I would like to go to the Premier. The government of Ontario has established provincial statutes dealing with apprentices and journeymen in the construction industry through the Apprenticeship and Tradesmen's Qualifications Act. These statutes have, unfortunately, been given to the Minister of Skills Development to implement, govern and enforce and that simply has not been happening as the hundreds of tradespeople who were outside this building this morning can attest to.

In light of recent evidence that problems are developing with respect to both apprenticeship training and health and safety programs, can the Premier tell the House if it is true that we have only five enforcement officers working for the ministry trying to deal with and regulate over 30 regulated trades covering thousands of workers in the province of Ontario?

Hon Mr Peterson: I am sorry I cannot answer that question specifically about how many enforcement officers there are. I will inquire of the minister and he can report to the member specifically on that question.

Mr Mackenzie: At the same time, while inquiring of the minister, if the number of enforcement officers is there because the ministry feels they are competent to deal with the act, can we also find out why, with some dozen applications made for prosecution under the act, none have been proceeded with and there appears to have been no prosecution since 1966? How can the government so flagrantly ignore the very real issues that are facing skilled tradespeople in the province of Ontario and what is this government prepared to do about it?

Hon Mr Peterson: I am sorry I cannot answer the specific question the honourable member raises. I do know there was a demonstration here today about, I gather, the ratios with number of apprentices to tradespeople today. As the member knows, that entire matter is under review by a number of committees, sectoral committees looking at the various trades.

It is our view, as well, that on one hand, as my honourable friend knows, there is a shortage of skilled labour and that will continue in the future unless it is addressed, and we believe that the labour movement has to be part of the solution. As the member knows, as well, a number of programs are being developed through the Premier's Council in conjunction with labour that we hope will share the ownership and the solutions to some of these problems. They are all complicated and interrelated.

I am sorry I cannot answer his specific question, but I can tell my honourable friend that the broad question is under review at the present time.

HOSPITAL SERVICES

Mr Eves: I have a question of the Premier. I am sure he will now be aware of the coroner's inquest and the coroner's jury's recommendations with respect to the death of Stella Lacroix: the first recommendation being that the medical staff of Huronia District Hospital, with particular emphasis on Dr Derek Nesdoly, Nurse Sharon Noon and Administrative Nursing Co-ordinator Dennis Lahaie, be commended for their dedicated and sincere efforts on behalf of their patient Stella Lacroix.

Both the Premier and the Minister of Health on 12 October of this year made remarks in the Legislature that there was a system in place, that

all Dr Nesdoly had to do was avail himself of that system and his problems would have been solved, and that for the life of them, they did not know why he did not use that system.

I think that is a disparaging remark with respect to Dr Nesdoly, especially in light of the coroner's jury's recommendations. The Minister of Health refused to apologize to Dr Nesdoly yesterday. Would the Premier do that today for us?

Hon Mr Peterson: I think the minister can answer the member's question and I have every confidence in her.

Interjections.

The Speaker: Order. It has been referred to the Minister of Health.

Hon Mrs Caplan: I want to remind the member opposite that last June when we announced that we were establishing regional trauma and critical care hotlines across the province that member said they were not necessary and all doctors knew exactly who to call. He knows, as well, that simply because he says something does not mean that he is informed, correct, or has the facts.

He knows full well that all information was shared with this House in good faith and that no one on this side of the House blamed anybody for anything. We said we wanted all the facts to come out. I commend the coroner's jury and everyone who was involved in helping to get all the facts out, and I would say to him that he does no one a service by trying further to inflame that which was never inflamed in the first place.

Mr Eves: I do not know what that was, but that certainly was not an answer to the question that was asked. The question that was asked was a question of the Premier of the province of Ontario about a disparaging remark he made publicly and in this chamber about a doctor in the medical profession whom a coroner's jury has subsequently found to deserve a commendation, not criticism by the Minister of Health or the Premier of the province.

I asked for an apology. Numerous members have asked for it several times. I have no supplementary. They have no class over there.

1420

OCCUPATIONAL HEALTH AND SAFETY

Mr Owen: I have a question for the Minister of Labour. As the minister is aware, there have been considerable concerns expressed in our area regarding possible health problems and even deaths as a result of alleged and possible working

conditions at the former Robson-Lang tannery in Barrie.

I am pleased that the minister has had an inquiry and an investigation, but there are media reports which are quoting certain sources as saying that there are substantial deaths and health problems and there are other reports saying that there are not any concrete or specific results coming out of the study. Can the minister give us some guidance or tell us what the status is of the investigation and what information is evolving from his investigation?

Hon Mr Phillips: I very much appreciate the ongoing interest by the member for Simcoe Centre from the outset of the matter. The single most important thing perhaps is that all the individuals involved feel comfortable and confident in the process that is going on.

What we have done is establish a study. The Ministry of Labour will co-ordinate it, but it will involve also the injured workers, the union that has been involved in that particular tannery and the tannery association to conduct a thorough analysis of the situation. I think that is the most important thing; that all of the parties involved feel a part of that study, be involved in that study and be a part of the design of that study.

Frankly, what we are looking for now are names and addresses of individuals who worked in that institution over the longest period of time we can possibly find, so we can conduct the most thorough possible study.

Mr Owen: I am sure the minister appreciates that because of all of the publicity and concern there are many people who are going through a great deal of anxiety with regard to what has happened to them and what has happened to members of their family.

Does the minister have any idea as to the time that might be involved before some results or information might be available to either tell them there is reason for concern or there might not be reason for concern? When might they get some information that could satisfy them as to what the risks have been?

Hon Mr Phillips: This study will not be one that can be done really quickly. What we have also done is we have asked the tannery association for names of individuals involved in other tanneries. We have asked the former head office of this organization for names, and I think we got 800 names from it, because in order to do the kind of comprehensive study that we are going to have to do, we are going to require a fairly large number of individuals and a fairly sophisticated study. So, in terms of being able to comfort

people that this can be done quickly, I do not think we can do that. It is going to require a number of months.

In the meantime, I believe there have been 80 individuals who have submitted claims to workers' compensation. I would encourage that process to go on as well. I guess the reassurance I can give the member is that the study has the involvement of the affected parties, that the results will be known and will be a matter of public record, and I hope that we have enough involvement in the development of the study that individuals feel confident that they have a say in that study.

NATIVE SERVICES

Mr Pouliot: My question is to minister responsible for native affairs. The Human Rights Code of Ontario says the following—it is very simple, and please, with respect, listen very intently—"Every person has the right to equal treatment with respect to services, goods and facilities without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex," etc.

How does the minister explain, in this year of Our Lord 1989, on the eve of Christmas, that aboriginal people in northern Ontario have little or no running water, sewage treatment, garbage disposal, adequate housing, ambulance service, care for elders, midwifery service, education and preventive programs, programs to deal with substance abuse, spousal abuse, etc? How does he explain that position—that discrepancy between what the code says and what is the sad reality of today?

Hon Mr Scott: I take the honourable member's point and I think it is a sound one, but he will recognize that resources are not provided, unhappily, equitably all across the country or across the province, for that matter. People who live in rural communities do not get access to some services that are available to people who live in urban communities. Our native people have been the victims of that kind of difficulty in remote communities and in urban communities for many generations.

It is a serious, difficult, human problem that we are trying to address, and as I did try to address the other day when the Leader of the Opposition (Mr B. Rae) was jeering at me. I understand the nature of the problem and we are trying to respond effectively.

Mr Wildman: I will not jeer at the minister. I would like to draw his attention to a report recently published by the Thunder Bay district

health unit on prenatal mortality in northwestern Ontario, which relates to the kinds of conditions my colleague the member for Lake Nipigon delineated.

On the first page it says: "Using a nine-year average for the district of Thunder Bay and Ontario, Thunder Bay averaged 16 per cent higher perinatal mortality rate than Ontario. The other two districts in northwestern Ontario, Kenora and Rainy River, inflated the northwestern Ontario rate by an additional 11 per cent. The perinatal mortality rate for natives is estimated to increase the district rate by 12 per cent."

The study goes on to relate this to the high incidence of teenage pregnancies, lack of access to medical care and preventive health programs, alcohol and substance abuse and the smoking of tobacco. What is this government doing to respond to this terrible situation where infants are dying at a much higher rate because of the poor living conditions and social conditions that the aboriginal people of northwestern Ontario experience?

Hon Mr Scott: As the honourable member knows, the Minister of Health has been active to provide a series of resources and a series of programs to assist native people in northern Ontario and in other parts of the province for whom we are obliged to provide services. One of the difficulties, as the honourable member knows, is that almost all medical services for on-reserve native people are provided by the federal government.

I will be glad to take up any individual case that the honourable member has where the responsibility is provincial, as I said to the honourable member the other day. I know he did not accept it and I understand why. Native people are concerned about assuring themselves that the federal government, which has a constitutional obligation towards them, does not recede from those obligations.

RENT REGULATION

Mr Jackson: I have a question for the Minister of Housing. It has to do with his rent registry, which is part of his government's new Residential Rent Regulation Act. As the minister will know, the registry is responsible for recording the maximum legal rents that are allowed to be charged in this province. His ministry has been promising all Ontarians since May 1987, and I quote from his annual report, "that tenants will be able to call their local rent review office to find out any available information recorded on their computer systems."

1430

Millions of dollars have been spent on computers, millions of dollars on software programmers and on new staff. Could the minister please advise this House today, after three years of operating the rent registry, just how many rental units are accurately recorded and available on computer to Ontario residents when they phone his offices?

Hon Mr Sweeney: I am sorry, I do not know that number, but I will get it for the honourable member. But I want to tell him that when I became minister I instructed my staff to redirect all staff resources, including taking some away from the rent registry. That was a decision that I made towards reducing the waiting list for rent review hearings. I take full responsibility for that and it was simply a choice that I had to make.

We now have the number down from roughly 27,000, I think, to about 9,000. I want to get it down even further. As soon as I have made that kind of impact, I will reassign the staff back to the registry.

Mr Jackson: The minister need not apologize for that decision. That is the very reason why he was appointed to that ministry that so desperately needed the leadership and management skills, because of the mess the rent registry is in in this province.

However, there is a fundamental point of conflict between what the legislation promises a tenant in this province—section 60 of the act gives tenants certain rights so that they are notified by his government through the use of the 9R form. His government has decided not to issue these 9R forms; not thousands but hundreds of thousands of forms.

I now have come to be advised that there is a report on his desk that the whole program be scrapped because of the rent registry program, because, in fact, we are looking at millions and millions more dollars in order to make it work. Would the minister please confirm to this House, as he has graciously confirmed the other tough decisions he has had to make, that he will be making this decision, and very soon, and that he will advise this House?

Hon Mr Sweeney: I want to assure the honourable member that within all ministries of government we are being asked to make some decisions like that and it is a case of, where are we going to put the resources that are available to us?

That decision has not been made. I cannot tell him whether or not it will be made, but obviously it is part of the legislation and I cannot just

dismiss it. But I can tell him that there are a couple of other parts of the regulation that I have not proclaimed yet, simply because I do not have—it is not that I do not have the resources, but I have chosen to put them somewhere else, at least temporarily. Until I have a better fix as to how long I am going to need them someplace else, I cannot make the decision he is asking me to make.

RECYCLING

Mr D. R. Cooke: My question is to the Minister of the Environment. It is estimated that this province produces about 400,000 tonnes of newsprint per year, and if all that were recycled, we could save about 6.8 million trees a year. We are currently collecting about half that in our tremendously successful blue box program, but I am only aware of a handful of newspapers that are actually using recycled paper—the Financial Post, the Toronto Sun, the Brantford Expositor, the St Catharines Standard and the Kitchener-Waterloo Record.

Many Ontario newspapers are still using unrecycled print. I am wondering if there is anything that we can do to encourage our newspapers to use recycled newsprint.

Hon Mr Bradley: The member certainly raises—

Mr Brandt: Yes or no.

Hon Mr Bradley: The leader of the the third party wants a yes or no answer and he knows it will require some elaboration. Naturally, it would be desirable if the newspapers across this province—and I understand that in fact a good number of them intend to do so—would adopt as a policy recycled content in their paper. Some have had their contracts already come up and have been able to do a new contract.

There is one company in the province of Ontario, the Quebec and Ontario Paper Co in Thorold, which has a de-inking plant that is now able to produce paper which is both virgin fibre and which has in it a component that is recycled newsprint.

I expect that the major newspapers in the province, as their contracts come up, will be stipulating that there will be recycled content in that newsprint. That will be very desirable. Certainly a lot of municipalities would be favourable to that. In our ministry's meetings with the Canadian Daily Newspaper Publishers Association we have in fact ensured that it knows of that message, and we have had an undertaking that it would be proceeding in that direction at the earliest point in time.

Mr D. R. Cooke: One prominent newspaper had the nerve on Sunday to feature a story about the marketing problems of recycling goods, particularly newsprint, but it neglected to point out in this paper that it is actually printed itself on unrecycled paper. I am wondering if the minister is prepared to legislate the mandatory use of recycled fibre newsprint so that newspapers that are not co-operating with his suggestions will be forced to do so.

Hon Mr Bradley: As the member may be aware, the option that is always available to us when people do not enthusiastically embrace recycling and reduction and reuse in the province of Ontario is the opportunity to regulate.

Mr Brandt: Recycle.

Hon Mr Bradley: Sorry, recycle—no, regulate. I have the former Environment minister on the other side trying to confuse me. Anyway, I will continue to say that the option of regulation is always there. We have had such enthusiastic support for recycling in the province of Ontario, and certainly we have had an undertaking from the newspaper publishers' association that it is actively pursuing this. I personally have been at a meeting where the representatives of the three major dailies in Metropolitan Toronto were present to discuss this matter, and certainly there seemed to be enthusiasm among those people to proceed in this direction as their contracts come up. Naturally, they are not in a position at this time to break a contract.

FOOD BANKS

Mr Laughren: I have a question for the Premier. He may or may not know, but according to the Daily Bread Food Bank, there are between 80,000 and 90,000 people per month using the food bank in this world-class city of his called Metropolitan Toronto. I wonder if the Premier could tell us what plans his government has to make food banks nothing but an embarrassing memory for this province.

Hon Mr Peterson: We have very extensive plans, but I think the Minister of Community and Social Services could bring the members up to date on them.

Hon Mr Beer: I think that none of us are at all content to see that food banks are there, and indeed that is why we have been trying to focus specifically on the issues of poverty and how to provide more assistance specifically to single parents, to children, so that those kinds of services are not required.

If the members look at the major reforms which this government brought in in the spring which are now being implemented through the fall and with further increases in January, we believe that that is going to be putting money directly into the pockets of those who most need it. Much more still remains to be done, but in our view that is the most effective way to deal with this issue, which is to get assistance to those at the lower end of the economic scale so that they have more money for food and they have more money for shelter.

Mr Laughren: I am not convinced that what the minister is going to do will be nearly enough to get rid of food banks in Metropolitan Toronto. I could remind the minister as well that out of that 80,000 to 90,000 people who use the food bank, approximately 14,000 are the working poor in Metropolitan Toronto. Could I ask the minister if he has done his job of lobbying the Treasurer to make sure that people who are working and still receiving income below the poverty level will no longer pay provincial income tax in the province of Ontario. Has he done his job in that regard?

Hon Mr Beer: I think that we have been looking at a number of ways in which we want to help those who are not able to help themselves or who are at that edge where it is difficult to make ends meet—the reforms that we announced, the supports to employment program by which we are putting people back into jobs and phasing in the way in which they receive assistance before they move on to self-sufficiency, the kinds of programs that we are bringing forward in terms of developing better jobs and providing assistance for better training so workers can have improved jobs. There is a whole series of things that obviously have to be done, and we not only have to keep talking as members of cabinet to the Treasurer or to other colleagues but we also have to carry that message out to the broader public in terms of the recognition of how important it is that we ensure that we make changes so that people are receiving more adequate compensation.

1440

ASSISTANCE TO FARMERS

Mr Villeneuve: This is for the Minister of Agriculture and Food. The minister, I am sure, is aware of statements made by one of his parliamentary assistants, my neighbour and colleague the member for Cornwall (Mr Cleary), to the effect that the Ontario family farm interest rate reduction program would likely be restored next year. Can the minister tell us now what sort

of a program it will be, and get farmers ready to be able to utilize to their best advantage this anticipated program?

Hon Mr Ramsay: I think we can accept the remarks of my parliamentary assistant who, by the way, I would like to say, is doing one heck of a job representing eastern Ontario and agriculture, and for me, and I would like to applaud him for doing that. I accept those remarks in good faith as encouragement to me to review, as I am, all the financial programs we have within the ministry, and I am looking at the farm financial programs of past and present to come up with a very good package of farm programs later on this year.

Mr Villeneuve: Surely the minister will be aware that farmers need a little bit of lead time to get prepared for this. The Ontario Federation of Agriculture has lobbied long and hard—so has this party—for a replacement of the OFFIRR program. We have higher interest rates now than we had when the program was initiated. Will the minister now tell Ontario's agricultural community when this program will come about so that we can get ready for it?

Hon Mr Ramsay: My friend in the third party obviously is aware of the budget cycles and that it is impossible for ministries to announce programs at the end of the budget cycle. We prepare our planning now for the next budget cycle that begins 1 April and it is impossible to say now what we are going to be doing. But I am obviously consulting with all those groups that are talking to us and giving us their views. We are listening, and I think the member is going to be pleased, come this spring, with all the announcements that this government will be bringing to help all the people of this province.

NUCLEAR SAFETY

Mrs Stoner: I have a question for the Minister of Energy. I would like to ask the minister if she is aware of the situation at the Pickering nuclear generating plant involving radioactive water, specifically drums of radioactive water and other materials that are crammed in the corridors of that plant? The Atomic Energy Control Board recently criticized Ontario Hydro for poor housekeeping at the Pickering plant and said that poor maintenance at the plant could lead to doses of radiation that are not absolutely necessary. Could the minister comment?

Hon Mrs McLeod: I was, indeed, aware of the concerns that have been expressed by the Atomic Energy Control Board, which, as the honourable member knows, is the monitoring

and regulatory agency for the Pickering plant, as for other nuclear generating plants in Ontario. I certainly did not have to bring that concern to the attention of Ontario Hydro. They have been made well aware of it through the report of the AECB.

They have responded to the concerns that were identified by increasing their staff at Pickering and at Bruce to deal with the backlog of maintenance work specifically related to some of the housekeeping issues identified, and they are also taking a new approach to the storage of tritiated heavy water. I would also recognize, of course, that once the tritium-removal facility is fully functional, the actual storage of tritiated heavy water at Pickering would be reduced to a minimum.

Mrs Stoner: My supplementary is that because safety factors are so crucial at a nuclear generating plant, can the minister give us some idea of what action will be taken in the future to ensure safety at those facilities?

Hon Mrs McLeod: I would recognize, of course, that the operation of the facility is very much within the jurisdiction of Ontario Hydro and, again, that the monitoring and regulating and the concern for inspecting the safety of that operation lies with the Atomic Energy Control Board. I think it is very important that we continue to stress the role that independent body has in ensuring that the safe operation is being supervised.

Specifically in relationship again to the storing of tritiated heavy water, Ontario Hydro is going to be receiving new bulk containers early in the new year and those are going to be stored in a special storage area. I think that this will relieve the concerns about the safety of storage of those minimal amounts of tritiated heavy water that would continue to be stored at Pickering.

AUTOMOBILE INSURANCE

Mr Kormos: I have a question for the Minister of Financial Institutions.

Larry Stanley is a young family head in Welland, 31 years old, two children and a wife whom he supports with his job at a local industry. Now, for some good chunk of time he has had his auto insurance provided by Wellington Insurance Co. His wife, the members should know, is an epileptic, and her epilepsy was under control by virtue of the medication that she took.

Last year, when she was pregnant with the Stanley's second child, she was sick. She vomited on a daily basis and was unable to keep that medication down. As a result of that, she had

a seizure, the first one she had had in a considerable period of time, not while she was driving a car, but a seizure none the less. Her doctor appropriately reported that to the ministry. Her license was suspended. Her driving privileges are suspended; she cannot drive a car.

Notwithstanding that, Mr Stanley gets a letter from his broker telling him that because his wife is an epileptic, Wellington is no longer going to insure him. They are denying him insurance coverage and he is being forced into facility. That is a gross injustice.

I ask the minister if he in any way finds that acceptable, and quite frankly, what he is prepared to do for Mr Stanley?

Hon Mr Elston: Actually, the honourable gentleman sort of clandestinely sent me a copy of the letter from the broker; it was addressed to Murray Elston, without an indication of where it was coming from, to surprise me, I suspect. But I do appreciate his bringing the letter to my attention.

I do not find it acceptable in my view that they would use this particular serious medical problem as a reason to disentitle Mr Stanley. I will follow up on the letter which my friend has just provided to me, dated 25 November, and I will proceed to ask the people at Wellington to provide me with a full explanation of the legitimate reason which they have in their minds for excluding the husband driver of the car. I do not find it very good at all.

PETITIONS

TEMAGAMI DISTRICT RESOURCES

Mr Chiarelli: On behalf of my colleague the member for Ottawa Centre (Mr Patten), I beg leave to present a petition from Steven Willcock and 346 citizens from the Ottawa area to the Minister of the Environment (Mr Bradley) and the Legislative Assembly of Ontario, which reads as follows:

"It is with the utmost distress that we, the undersigned, have learned of the resumption of logging in the Temagami forests. We urge you to do everything in your power to preserve the Temagami forests for all Canadians for ever."

In accordance with the standing orders, I have attached my signature thereto.

FRENCH-LANGUAGE SERVICES

Mr Owen: I have two petitions, one with 81 signatures and the other one with 68 signatures, requesting the repeal of Bill 8, the French Language Services Act, 1986.

I have another petition with 120 names, expressing deep concern over the provisions of the new Ontario motorist protection plans.

GREATER TORONTO AREA

Mr Philip: I have a petition signed by about 200 people, most of whom live at West Acres senior citizen's building in the riding of Etobicoke-Rexdale. Since the petition is fairly long, I will summarize it.

These people are upset about the fact that they are paying higher rates for drivers' plates in greater Metropolitan Toronto than in other parts of Ontario and they challenge the Peterson government to stop this discrimination against people by the location in which they live.

I have signed the petition.

TEACHERS' SUPERANNUATION

Mr Runciman: I have several petitions dealing with the same subject, one from the Ontario English Catholic Teachers' Association and one from the public school system, expressing concerns related to Bill 66.

I guess I will sign these. I do not know. Do they take them like this?

1450

REPORT BY COMMITTEE

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Callahan from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr37, An Act respecting Fort Erie Lions Senior Citizens Complex Inc;

Bill Pr45, An Act respecting Ontario Mid-western Railway Company Limited;

Bill Pr46, An Act to revive Ontario Mortgage Brokers Association;

Bill Pr52, An Act to revive Homes Unlimited (London) Inc;

Bill Pr56, An Act to revive Times Change Women's Employment Service Inc.

Your committee begs to report the following bill as amended:

Bill Pr54, An Act respecting the Brantford and Southern Railway Company Inc;

Your committee further recommends that the fees, and the actual cost of printing at all stages and in the annual statutes, be remitted on the following bills:

Bill Pr37, An Act respecting Fort Erie Lions Senior Citizens Complex Inc;

Bill Pr38, An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation; and

Bill Pr56, An Act to revive Times Change Women's Employment Service Inc.

Motion agreed to.

INTRODUCTION OF BILLS

HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Mr Wrye moved first reading of Bill 96, An Act to amend the Highway Traffic Act.

Motion agreed to.

Hon Mr Wrye: Very briefly, these amendments will bring Ontario into conformity with existing truck lengths in the majority of other provinces and American states.

The maximum length for a semi-trailer will be increased by 1.6 metres to 16.2 metres, an increase of five feet. The maximum permissible length for double trailer combinations will be increased by 2 metres to 25 metres, which is an increase of slightly more than six feet.

The amendments also specify particular requirements for tractor wheelbases, restrictions to the box length of combination vehicles and limits to the number of axles and their maximum loads.

We believe that these changes will improve Ontario's economic competitiveness but at the same time will actually enhance public safety.

LAW SOCIETY AMENDMENT ACT, 1989

Mr Scott moved first reading of Bill 97, An Act to amend the Law Society Act.

Motion agreed to.

Hon Mr Scott: The purpose of this bill is to permit exchange programs for crown attorneys so that we can exchange within the Commonwealth by sending our crown attorneys out to other jurisdictions and receiving theirs back. This bill will permit the law society to admit those persons who come to Ontario for this purpose as members of the bar for a limited period of time.

ORDERS OF THE DAY

UNCLAIMED INTANGIBLE PROPERTY ACT, 1989

LOI DE 1989 SUR LES BILLET IMMATÉRIELS NONRÉCLAMÉS

Mr Reycraft, on behalf of Mr R. F. Nixon, moved second reading of Bill 86, An Act

respecting the Custody of Unclaimed Intangible Property.

Mr Reycraft: I am pleased to introduce Bill 86 for second reading. The bill was introduced for first reading by the Treasurer (Mr R. F. Nixon) on 5 December and is an initiative announced in the 1989 budget, which was presented by the Treasurer on 17 May.

Bill 86 establishes for the first time in Canada a comprehensive unclaimed intangible property program. The Unclaimed Intangible Property Act will create an important means of returning unclaimed property to its rightful owners. Such property includes cheques, deposits, refunds, money orders, corporate shares and dividends, unpaid wages and insurance proceeds. The bill does not affect land or tangible personal property such as cars, boats or safety deposit boxes.

Under this bill, property becomes unclaimed after between one and 20 years, depending on the type of property. Most types of property will become unclaimed when there has been no communication between the holder and the owner for five years. Shorter time periods apply to properties such as unpaid wages where owners are likely to demand immediate payment. Longer time periods apply to property such as travellers' cheques.

The public trustee will administer the program on behalf of the province. Once a year, the holders of unclaimed property will be required to file an initial report which the public trustee will use to advertise for missing owners in daily newspapers across the province. It is expected that a significant proportion of owners will come forward as a result of these advertisements, particularly as people become more aware of this program. Owners who come forward will be referred to the holders to claim their property.

Property that remains unclaimed six months after the initial report must be transferred to the public trustee. The public trustee will convert the property into cash. At the close of each fiscal year, the value of the property held by the public trustee, less a reserve from which to pay claims, will be placed in the consolidated revenue fund to benefit the people of Ontario. The rightful owners of property will have the perpetual right to claim the money equivalent of their property less an administrative fee. Where the property was interest-bearing before the transfer, interest will be paid on claims.

I want to emphasize that the intent of this legislation is to return unclaimed property to its rightful owners. Once the property is fully operational, we anticipate the public trustee will

receive approximately \$15 million each year from holdings.

Mr Laughren: I am pleased to see the parliamentary assistant to the Treasurer shepherding this bill through the chamber. I like people who do shepherding of any kind.

I must say that my first impression of this bill is that it is worthy of support because, if I understand the legislation properly, it is simply that at the present time unclaimed property can stay with the financial institution and the financial institution can reap any rewards when that intangible property is converted into cash, and I presume it could even be interest-bearing intangible property. Surely to goodness, that should be rectified. There is no reason why the financial institutions should be able to have that windfall when they did nothing to earn it.

I suppose there are some rather strange events that lead to property being unclaimed. The imagination can do wonders with that, but I would assume that a lot of it is on death and people not knowing the property was even there. I can recall reading one time how many bank accounts W. C. Fields had all across the United States when he died; presumably somebody got the benefit of that and presumably it was the financial institutions where the bank accounts were opened and where the money was held.

I believe as well that under this bill, if I read it correctly again, the banks have to inform as best they can the owners of the intangible property. If they have no idea who the rightful owners are, and it is simply sitting there in financial institutions, I can see where those financial institutions would be in a quandary as to what to do next. That is why I think it is appropriate that they would then have to contact the public trustee and say, "Look, we've got some intangible property here, and we don't know what to do with it, so it's up to you."

1500

I assume as well, and I hope the parliamentary assistant will respond to this, if this bill does not go into committee of the whole that he will deal with the question of retroactivity. When the bill does become law, at what point when property was left unclaimed will this bill apply?

I know section 48 says, "This act comes into force on a day to be named by proclamation of the Lieutenant Governor," which presumably means that is when the bill will become law; but that does not answer my problem as to what happens if there is property that has been there for the last six months or even the last year. Does that property then become subject to this bill? Even

though the bill was not in effect for the last number of years, when it is proclaimed, there will still be a lot of property already in place in those financial institutions.

I hope the parliamentary assistant will be able to respond to my concern there, because surely to goodness, just because a bill becomes law, for example, on 1 February, that does not mean only property that is unclaimed after 1 February should be sent back to the rightful owner or to somebody who has a right to claim that intangible property. I would hope that the bill would apply to existing unclaimed intangibles in the financial institutions, because if members just read it the way it is, it would seem that way to me.

The trustee, as I understand it, is going to advertise when a financial institution notifies the trustee that it has unclaimed property. The trustee will then put ads in the appropriate papers. I do not know how the trustee is going to figure out which are the appropriate papers, how many ads to put in or how much money it will be encouraged to spend in that regard. Surely to goodness, the purpose of the bill is not to make money for the province but to get property back to its rightful owner.

Already we have seen this Treasurer at work. It is not without cause that he is known as Maximum Bob, Tax-to-the-Max Nixon. That is what he is known as increasingly around the province, despite my attempts to stop people from using that phrase, Maximum Bob, Tax-to-the-Max Nixon. People are using it. More and more out there are calling him Maximum Bob, Tax-to-the-Max Nixon. I do not think people should be calling the Treasurer, Maximum Bob, Tax-to-the-Max Nixon, and I am doing what I can to dissuade them from using that expression, but they keep using it over and over again; it is Maximum Bob, Tax-to-the-Max Nixon.

Some members may recall that the judge who sentenced Jimmy Bakker to 45 years in jail was known as Maximum Bob because he always gave the maximum sentence, it seemed. The Treasurer is increasingly being known by many of his critics—not me, but many of his critics—as Maximum Bob because he taxes the maximum. That is why he is apparently known as Maximum Bob, Tax-to-the-Max Nixon. For those members who did not understand how that phrase began, it began with Jimmy Bakker, of all people.

I trust the parliamentary assistant to the Treasurer will reassure us that this is not a tax grab; that it is not its purpose. It is to return property to its rightful owner or their heirs or whoever. It is certainly to have it either stay in the

financial institution or be a windfall to the Treasurer. We are not talking chicken feed here. During the first year, I think, \$25 million is what the Treasury officials expect they will get in because there will be more the first year. The second year it will be around \$20 million to the province, and \$15 million every year after that. I am sure they have to be fairly rough estimates because they do not know what all is out there.

I would just like the assurances of the parliamentary assistant to the Treasurer that this is not meant to be a tax grab by Tax-to-the-Max Nixon, Maximum Bob, as some people will call him.

There is one other area of concern that I hope the parliamentary assistant will deal with, and that is if no one claims the intangible property and it is liquidated, what assurances will there be that it will be liquidated at market value? What process is going to be put in place to ensure that there is the appropriate amount of money as a result of that liquidation and that there is not some kind of arbitrariness in that process? I would be interested in knowing what the Treasury people have in mind concerning the liquidation of the property.

I know the financial institutions have some concerns about this bill. My colleague the member for Cochrane South (Mr Pope) will be dealing more extensively with the concerns of the financial institutions because if there are some serious problems about administering this bill, then we should air them, get the bill out there and let everybody have a go at it because, having had no such legislation since time began presumably, there is no reason that this needs to be rushed through in the next couple of days without full hearings.

If the concerns of the financial institutions are legitimate, then surely to goodness we should be listening to them. Quite frankly, I do not know if they are legitimate, but I do know that the member for Cochrane South is going to deal with that more fully.

I think the bill is worthy of support because I believe it does rectify a wrong, namely, that financial institutions, just by luck, would get a windfall when unclaimed property reverted to them and presumably increased their asset base.

With those remarks, I would simply say that we will be supporting this bill.

Le Vice-Président : Questions et commentaires au sujet de la présentation du député de Nickel Belt ? Sinon, d'autres commentaires ? Le député de Cochrane-Sud.

M. Pope : J'aimerais indiquer que notre parti, le Parti progressiste-conservateur, appuie ce projet de loi. Nous sommes d'accord avec les principes du projet de loi, mais nous avons appris, des institutions financières de l'Ontario, qu'il y avait quelques problèmes techniques avec certains détails et certaines phrases contenus dans ce projet de loi.

Alors, je pense qu'il faut résoudre ces problèmes dans le cadre d'un comité de la Législature. On pourrait faire cela rapidement et voir des progrès rapidement aussi, mais nous sommes d'accord avec le principe que le distingué député a présenté aujourd'hui dans le projet de loi.

I wanted to indicate very briefly that we support the principles of the bill, following my colleague the member for Nickel Belt (Mr Laughren). We are anxious to indicate that publicly for the record. We agree that unclaimed intangible property should be treated this way and that the public trustee has a role to play in these matters. We have been informed by a number of individuals about some concerns over this legislation, and I have sent to the parliamentary assistant one of the messages I received by fax just an hour ago; I know he has handed it to his officials to analyse.

I believe there is a call by the Canadian Bankers' Association through David Phillips, its director of legal affairs, that this bill be sent to committee. I talked to him on the phone just a few minutes ago. He has indicated that there had been some discussions with the financial community in the month of June or July with respect to potential legislation, that they were aware this had been introduced on 5 December but they felt they had not had adequate time to analyse the detailed provisions of the legislation. They also feel there may be a conflict between the operation of some of the technical provisions of this act and some of the other regulatory requirements of financial institutions. They have some technical concerns with respect to some of the wording, and they would like an opportunity to make presentations to the minister, to the parliamentary assistant and perhaps to a committee of the Legislature in order to resolve them.

I have indicated to them and I indicate again to this House that we support the concepts contained in this bill. We think it is long overdue and we will be supporting this bill on second reading. We urge the parliamentary assistant to the minister to allow these technical concerns to be worked out, and I know he will take that under advisement.

Mr Reycraft: I want to thank my colleagues the member for Nickel Belt and the member for Cochrane South for their comments and their support in principle of Bill 86.

I will respond to some of the questions that were presented in their remarks. To my friend the member for Nickel Belt, let me say that he is right, that there currently exists no mechanism within this province that would assist owners of unclaimed property to recover their property. In fact, there is no legislation anywhere in Canada that provides the kind of mechanism that is being made available to the people of Ontario through Bill 86.

The member asked for some clarification about what property would be included within the scope of the bill and in particular seemed to be interested in its degree of retroactivity. Generally speaking, once Bill 86 is proclaimed, it will apply to all unclaimed property in the province. To that extent indeed, it is retroactive. The only exception to that that I should advise him of at this point would be property where the ownership rights or the rights of the owner have been lawfully terminated under some other piece of legislation, perhaps the statute of limitations or some other provincial law. With that caveat, I can say that the bill is retroactive and it will apply to all unclaimed property.

The member also asked me for some assurance that the property would be liquidated at market values. Under the legislation, the responsibility for liquidating the property is vested in the public trustee and it is deemed appropriate to allow the trustee to make the judgement on the most appropriate time to enact that liquidation. When common shares of stock are involved, for example, it might be that the trustee would prefer to liquidate the property in stages, rather than all at once, because of possible consequences.

To the member for Cochrane South, who expressed concerns that he had received on behalf of the Canadian Bankers' Association, I want to say that there has been a lengthy consultation between various groups and organizations that are interested in the bill and officials in the Treasury and the Ministry of Economics. Specifically, I can cite two formal consultations that occurred between officials of the Canadian Bankers' Association and Treasury officials. The first of those was on 21 July of this year and the second on 20 September. Indeed, it is as a result of concerns that have been presented in that consultation that many, many changes were made in the draft legislation.

Holders of unclaimed property are protected in a number of different ways in the legislation. Subsection 28(1) of the bill provides for relief from liability on behalf of all holders. It states, and I would like to read it into the record at this point: "A holder who transfers property to the public trustee for the purposes of this act in good faith is relieved of all liability to the extent of the value of the property paid or transferred for any claim in respect of the property." So that provides protection from liability.

Subsection 28(2) also provides for indemnification by the public trustee for holders who might get themselves into some kind of difficulty as a result of transferring unclaimed property to the public trustee. That section states:

"Subject to subsection (3), if a holder transfers property to the public trustee in good faith and thereafter another person claims the property from the person who was the holder or another jurisdiction claims the property under its laws relating to escheat or unclaimed property, the public trustee, upon proof of the claim, will indemnify the person who was the holder as to the claim and legal costs."

I believe that section indicates very clearly the protection that is provided for the holders of unclaimed property. I should also indicate that since the bill will come into force only upon its proclamation, we will have further time between now and that date to consider other concerns that may be raised by members of the public.

I want to indicate that we are interested in hearing those concerns and we will go to the greatest extent possible to attempt to address them between now and the date of proclamation. I hope I have adequately addressed the concerns that have been expressed by both members. I thank them again for their participation in the debate and ask for their support of this bill.

Motion agreed to.

Bill ordered for committee of the whole House.

BUSINESS INFORMATION STATUTE LAW AMENDMENT ACT, 1989

Mr Haggerty moved, on behalf of Mr Sorbara, second reading of Bill 79, An Act to amend Various Statutes in connection with information to be filed and records to be kept by Corporations and Limited Partnerships.

Mr Haggerty: I would like to present for second reading the Business Information Statute Law Amendment Act, 1989.

This act amends the Business Corporations Act, 1982, the Corporations Act, the Corpora-

tions Information Act, the Corporations Tax Act and the Limited Partnerships Act. These acts are statutory foundations upon which businesses operate and are identified in Ontario. At present, there are 451,000 active corporations in Ontario, 395 corporate searches are made each year and two thirds of the corporations are not meeting requirements under the present legislation.

Members will recall when the minister introduced the act for first reading in November that the amendments have two purposes: to enhance the accuracy of the information about Ontario businesses maintained for the public record and to improve public access to this information by converting the current paper-based records to a computerized system.

My ministry's companies branch maintains these records, which are the key link between businesses operating in this province and those who wish to identify them, both consumers and businesses. Businesses will be given the opportunity to confirm or update their information currently held in the public record. The most recent business address on file at the corporations tax branch will be used for this purpose.

As evidence of this government's commitment to facilitate investment in Ontario, the administrative burden now placed on limited partnerships to continually update the public record on changes of limited partners has been eased. It will now be the general partners who must maintain this information.

I am sure that my honourable colleagues will agree that both consumers and businesses will greatly benefit from a public record of business identification that is more up to date and more accessible.

1520

Mr Farnan: Basically, on behalf of the New Democratic Party, I want to make it clear that in addressing this particular piece of legislation, we are going to disassociate the concerns that we have concerning disclosures. We, as a party, have several concerns in this area with regard to disclosure. Be that as it may, we are going to look at this particular piece of legislation separately, but we do want it on the record because we will come back to the area of disclosure at another time.

Having said that, it would appear that the legislation before us does bring some common-sense approach to this whole area. It brings some uniformity among the various acts and some fine-tuning that calls for increased accountability from the corporate sector. This is a good thing, which is to be commended and to be supported.

Of course, whenever we find that reasonable legislation is brought forward, the government can always be assured of the support of the New Democratic Party.

I note that section 1 amends the Business Corporations Act, 1982 by imposing certain restrictions on the ability of a corporation where the corporation is not complying with the filing requirements under the Corporations Information Act. This is a good thing.

In responding to my statement, I would ask the member for Niagara South (Mr Haggerty) to simply explain for the House—I am sure he might want an opportunity to comment—section 2, which amends the Corporations Act. In this area the time during which a dissolved corporation under the Corporations Act can make application for revival has been increased from two years to five years. The member might wish to comment on that particular aspect of the legislation.

We are certainly in support of the whole area of improving the database, computerizing the database, but what we would hope, of course, is that not only do we modernize the information but that we have systems that will make it available, and readily available, and hopefully that the system will cross-reference the information so that we can track the intricate ownership between a whole variety of different companies and the players involved.

I think that basically sums up my remarks. There are other areas we could comment on, but I think in general the New Democratic Party looks upon this as a fairly broad-sweeping housekeeping providing some uniformity and some fine-tuning, and I have to commend the government on this occasion for a certain degree of common sense.

Mr Runciman: The Progressive Conservative Party is also supportive of the legislation. We have a few modest concerns which we will put on the record and hopefully the parliamentary assistant will respond to them, but I would again describe them as relatively modest, mild concerns, if you will, with respect to section 14.

That section deals with the ability of a corporation to sue. The particular clause is 14(2)(b), and I will quote it: "there is no evidence that the public has been deceived or misled." We believe this should be changed to read, "there is no evidence that the public has been adversely affected or harmed," rather than "deceived or misled."

It is our view that the public may be easily misled, but it is of no consequence unless they have been adversely affected or harmed. Now it

is possible that a defence attorney might use the premise that the public has been deceived or misled in order to end a trial. We see that as a potential abuse of the legislation and we wanted to make that concern known to the parliamentary assistant and his colleagues.

Also, subsection 14(2)(c)—again, I will read that section into the record: "at the time of the application to the court, the corporation has filed all notices required by this act and has no unpaid fees or penalties."

We are concerned that this provision might be employed to prevent a company from engaging in legal action or cause it to end an action which has been initiated. We would certainly appreciate an amendment to the effect that a corporation would have the opportunity to file any outstanding notices and pay any unpaid fees or penalties in order to continue court action. We believe that would be appropriate.

We have another modest concern with respect to the special filing requirements under section 4, simply to put on the record that we hope that those are not also going to be a source of abuse. I think the potential is there and hope that the ministry staff recognize that and do what they can do to ensure that sort of thing does not occur.

Essentially, there is one other thing, and perhaps the parliamentary assistant can address this in respect to any ability of private firms to charge a fee for information that was previously supplied by the ministry. I assume that the government charged some sort of a fee to cover its cost and I wonder if there was any kind of comparable provision in the legislation. I do not see it and I wonder if indeed it would not be appropriate to have that sort of thing incorporated in the act.

Mr Haggerty: The question raised by my colleague the member for Cambridge (Mr Farnan) in the matter of subsection 2(3) of the bill, dealing with the revival period in the Corporations Act, corresponds to the same in the Business Corporations Act, 1982. This amendment makes the period five years in both cases, so we have some consistency in the five-year period.

This will also cut down on the number of private bills for revival. I am sure that the member has sat in the standing committee on regulations and private bills. We have seen a number of bills come forward for revival there and the period in question is within the law. This should clear that, I am sure.

The matter that the member for Leeds-Grenville (Mr Runciman) brought up was clause

14(2)(b), which deals with the matter of unpaid fees for penalties. I think it pretty well puts it out in detail there and defines it: "There is no evidence that the public has been deceived or misled."

Mr Runciman: That is the wording we were concerned about.

Mr Haggerty: Is that what your problem is? Clause (c) says, "at the time of the application to the court, the corporation has filed all notices required by this act and has no unpaid fees or penalties." Does that not make it understandable to the member?

Mr Runciman: It is not a question of understanding.

The Deputy Speaker: We are not exactly in committee of the whole here, gentlemen.

Mr Haggerty: I have some words of wisdom from legal counsel. "With respect to the ability to sue, the court must be satisfied as to a disruption."

The Deputy Speaker: The Deputy Speaker has also got some words of wisdom for you, that you address your remarks through the Deputy Speaker.

Mr Haggerty: Thank you, Mr Speaker. It is pretty hard to see you from my left here, you know.

1530

The member raised the matter about the private fees, that a person would seek the information from the ministry. I understand there are a number of—I guess you do not call them private persons in this area—consultants, I guess it is, and they usually charge a fee. Apparently they have access to many government agencies and ministries in this particular area. There is a service fee or charge for that service, whether they get it from the ministry or not.

I do not have the answer clearly on that but it is there. The consultants are acting, and I understand, too, that normally the case is that the number of members may retire from politics—and I may be one of them—and may go into the field as consultants. I could give the member a definition of "consultant" but Eddie Sargent is not here. Without his approval, I cannot give it to members.

Motion agreed to.

Bill ordered for third reading.

HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Mr Wrye moved second reading of Bill 95, An Act to amend the Highway Traffic Act.

Hon Mr Wrye: I am pleased to bring forward this important piece of legislation. It is not an entirely happy piece of legislation, particularly for those who will be hit by its contents, which are fairly significant.

These amendments are fairly wide-ranging but really the most central part of the amendment bill will see increases in fines for speeding, increases which are in support of the primary objective of my ministry and that is making the streets, roads and highways safer for everyone.

The intent of these changes is to decrease the frequency of reckless driving by restoring the deterrent value of speeding fines and there is a reason for that.

The present speeding fines which are now in place and which those who are convicted now pay, date all the way back two decades, to 1969 specifically. The only updating that went on was about 12 years ago when it was really an updating which moved the fines from a miles-per-hour basis to kilometres per hour. So, today, we are faced with a situation where the fines really reflect a time some 20 years ago.

I believe, and I think all members in the House would agree with me, that every driver has the right to the safe use and enjoyment of our roads and highways and that the vast majority of motorists operate their vehicles in a safe and responsible manner. The amendments before the House today are aimed at those who are the exception to that rule.

It is a fact that speeding is the most common factor in traffic fatalities. In spite of that, the incidence of driving beyond the posted limit continues to rise. Our latest statistics, going back just one year to 1988, indicate that there were more than 900,000 offences in our province and speeding was a factor in more than 27,000 accidents.

While we are also convincing people who disregard the law or who tend to disregard the law, while we try to use public education to increase their knowledge and their concern for fellow drivers and fellow users of the road so that they will obey the speed limit, there are some who will wilfully disregard the law and we on this side believe that it is important that we indicate to them that if they do wilfully disregard the law and endanger other lives, they will pay very, very handsomely for their irresponsibility behind the wheel.

Bearing in mind the human and economic costs of reckless driving, it is inappropriate that the penalties remain at the levels of 1969.

The fine structure contained in these amendments indicates that the province intends to take decisive action to keep the roads of this province safe. Those who exceed the posted limit by 50 kilometres per hour or more will face a fine three times as heavy as at present. It will cost them in the vicinity of \$500 to behave recklessly. Fines at lower levels of excess will more than double.

To further protect the public, there are a number of other amendments to the act which I would term very clearly as housekeeping amendments. They deal with matters such as changes of lighting on emergency vehicles used by police, fire and ambulance services.

The consideration and passage of these amendments will contribute to a safer operating environment for all motorists in Ontario.

Le Vice-Président : Questions et commentaires au sujet de la présentation du Ministre ? Questions and comments?

Mr Kormos: I understood you, Mr Speaker.

Le Vice-Président : Bravo. I was just making sure. Le député de Welland-Thorold, dans ce cas-là.

M. Kormos : Merci. With interest, I read the bill and listened to the comments of the minister. One cannot help but presume that this is all part and parcel because, after all, this minister was in that chorus line that put the floor show on up in North York in September of this year, along with four of his co-ministers, when the new Ontario motorist protection plan was announced.

One cannot help but presume, realizing that presumptions are never the safest route, that this is part and parcel of that Ontario motorist protection plan. Otherwise, there would not have been any good reason for this minister to have been in that chorus line except for maybe his sense of affinity and affection for his colleagues and his simply wanting to be there on such a historic occasion. One has to presume that this is part and parcel of that scheme.

It is some of the smoke and some of the mirrors behind which the government has been hiding when it talks about—or rather, fails to talk about—its new insurance system, the one the insurance companies wrote, the one that is going to generate a windfall for automobile insurers in Ontario of at least \$630 million in the first year alone.

Let's not mince words. Nobody in his right mind is going to suggest that it is not important to create deterrents for persons who break the law, including Highway Traffic Act offences, including speeding. Some comment is warranted and I would make this observation: One, there is not

one of us who would not acknowledge that to speed by 20 kilometres over the posted limit when the posted limit is 100 kilometres an hour, as it is on the bulk of the major highways, is legitimately not as serious an offence and one which should not attract the same opprobrium as to exceed a municipal or urban—

The Deputy Speaker: Thank you. The member's time is up. Do other members wish to participate?

Mr Reville: In general terms, my party is in support of the initiatives undertaken by the Minister of Transportation.

Interjection.

Mr Reville: This is a comment. Is it all right to make a comment?

The Deputy Speaker: Of course, it is.

Mr Reville: Thank you, Mr Speaker. I am getting confusing advice from my beloved colleagues whom I love dearly. I love them all. It is the season.

The bill is, however, a complex bill. It has 22 sections and it makes changes to a number of other pieces of legislation, some of which bear some scrutiny. I would like to indicate that my party will support this bill on second reading and we would like the matter to go to the committee of the whole House in case a technical amendment or two might be necessary.

Mr Wiseman: I would like to put some comments on the record. Our party, to start off with, will be supporting this bill, but we have some real concerns and I hope when we get a chance to get into the bill we will be able to discuss those fully.

In the bill, in the case of a person driving without a licence, it is mentioned, once, he loses his licence for a year, and twice, he loses it for two years, and this sort of thing. Because this is such a serious offence, why would the minister not have put in an automatic jail term, if not on the first offence, definitely on the second?

I wonder if the minister would have time now to ask his officials how much more money will be raised by the tripling of fines, based on last year's experience. Perhaps he would answer those later or get some words of wisdom from his staff. But I wonder, too, when this deals with safety, why he did not take things like airbags into consideration, especially in the front seats of cars. We all know those would save a lot of lives. Why did he not improve the impact of the bumper up to about 10 miles an hour on impact from the anywhere from two to five that I understand it is now? Many of these things we will get into as the bill is

discussed further, but perhaps if the minister knows some of the questions we are going to ask, he can have some answers for us.

1540

Hon Mr Wrye: To speak on the matter generally, very briefly, a number of the issues that my friend from the third party has raised are really matters that are not contained in the bill. On the latter two, I made quick notes. I believe airbags and bumpers are federal matters; they are national standards.

In some cases the dollars raised, we estimate, as I indicated publicly last week, will be somewhere in the range of \$25 million to \$30 million. If the world were to continue exactly with the new fines as it was with the old ones, it will be substantially more than that. We believe, and clearly I said this in my opening remarks and I am sure my friend the member for Lanark-Renfrew (Mr Wiseman) would agree with me, it is desirable that it have a deterrent effect and thus that speeding be reduced, the incidence of speeding on our roads be actually reduced, and so the fines would go down.

Quite frankly, we would be absolutely delighted in the government, and I am sure all members of the House would be, if there were no increase at all and in fact if the amount of money accruing to the consolidated revenue fund came down, because that would mean the incidence of speeding on our roadways would go down. It is meant for a deterrent effect. It is certainly not an effort to raise money and, quite frankly, if we do not make any more money that will be just fine. We are attempting to get the deterrent effect.

In terms of the jail term, it is not in the bill. It sounds like a very heavy and onerous burden and in terms of our level of institutionalization I am not sure we would want to add more to it.

Mr Kormos: Carrying on, members will recall that what I was talking about initially was the deterrent that is required for speeding. The obvious conclusion that speeding—let's say 20 kilometres over the limit on a highway where the speed limit is 100 kilometres an hour—is a less opprobrious offence than speeding 20 kilometres over the limit in an urban area where the posted speed is perhaps 50 kilometres an hour.

I have some great concerns about the fact that this distinction is not reflected in the guidelines for penalties provided in the statute. As often as not, police officers, and rightly so, except in those instances where the excess speed is extraordinary, provide for out-of-court payments or out-of-court settlements by way of fines which are contained on the provincial offences notice.

In the absence of guidelines in the statute, what that means is that the out-of-court settlement for 20 kilometres over on a highway such as the Queen Elizabeth Way is the very same as an out-of-court settlement for 20 kilometres on a city street.

That, in my view and in the view of a great number of people who live on those city streets and the people who send their kids to school across those city streets, is not an acceptable proposition. With respect, the statute and these amendments are deficient in that regard in that they do not recognize the increased severity and the need for increased penalty in the instance, as I say, of speeding in the lower speed limit ranges where its consequences in fact are far more perilous.

There is simply no way that anybody could suggest that city streets are designed for high-speed traffic in the same manner that Highway 401, the Queen Elizabeth Way or any of our other modern and quite frankly, in sad reality, some of our not-so-modern highways across the province are.

The statute does not address the very fundamental problem of who is permitted to drive. It is that regard, I submit, that there has to be a great deal of focus of attention on the part of the ministry, on the part of the government, on the part of this whole Legislative Assembly. I am not talking about systems of probation for young drivers and I am not talking about the proposal that we have heard already about the prospect of driving during daylight hours being restricted to certain types of highways for young drivers, for tiro drivers.

I am talking about the type of training and the level of training that is required before any person, be it he or she, young or old, whatever, is permitted to get into a vehicle and on to our highways. I contrast the excellent level of training that is required, for instance, of light aircraft pilots. We have a large number of them in the province and across the country. I appreciate that is not a provincial matter, but I contrast the type of training that is required of a person who is going to operate a light aircraft.

Quite frankly, in view of the technology of automobile production, many of those light aircraft—little Cessnas, Pipers and so on—do not travel at the speed that many motor vehicles one buys do and that are driven on the highway; aircraft that have, at the most, a capacity for one to maybe three passengers and where the most obvious danger is to the

occupants of the aircraft, not to other persons using the skyways, if one will.

When one contrasts the high and, quite frankly, laudable level of training required of a person operating an aircraft with the complete absence of any requirements for professional training on the part of drivers—usually young but, as I say, young or old—then we can start to understand where some of our problems in terms of highways and motor vehicle accidents come from.

The minister knows full well that there is a lobby among hundreds, thousands of others, from professional driving school people in the province who have been pressuring not only the minister but every other member of this Legislature to support and endorse legislation that would require new drivers to have undergone driving training by a licensed or regulated driver-training industry.

Never mind the fact that, sure, no two ways about it, those professional driver trainers have an interest. They are trying to sustain and bolster their industry in looking for this legislation. The fact remains that their argument is sound; that they are seeking a uniform, standardized, regulated approach to driver training. That is an approach that is going to result in fewer accidents. That is an approach that is going to result in more competent drivers—drivers who not only have the skills required of a person operating a vehicle but also drivers who are trained in the recognition of the standards and guidelines that are inherent in the Highway Traffic Act and those other provincial statutes that govern the operation of motor vehicles.

One other interesting omission from this particular set of amendments—and I was sure when the chorus line appeared in North York on the occasion of the announcement of the Ontario motorist protection plan that this was going to be among them—is enhanced powers of licence suspension by the province, particularly in response to things like convictions for Criminal Code driving offences: impaired driving, over 80, negligent driving, those other Criminal Code offences.

The province clearly has it within its power to control or regulate the right of individuals to drive. There is a demand out there in the community that persons who have demonstrated themselves to be inadequate drivers, not so much through lack of training but more so through lack of interest on their part in abiding by even the most basic and the most fundamental rules—not

just rules of the road, but social rules; I am talking about drunk drivers.

The community in Ontario is outraged that drunk drivers have not been convicted, indeed have not been convicted not just once, but twice, thrice and more, and are indeed returned to the highway. I am not speaking just of the notice given us by the Provincial Auditor when he indicated how simple, how easy it was for persons convicted of drunk driving to avoid the rules and get back on to the highway through a little bit of legal legerdemain; I am talking about the fact that the impression in the community is that for convicted drunk drivers the periods of suspension are grossly inadequate.

1550

The absence of any amendments to those sections of the Highway Traffic Act, section 30 and so on, permitting and providing for suspension, are a great surprise to all of us. When we hear the foofaraw surrounding the introduction of the Ontario motorist protection plan, we find it remarkable that the government once again made commitments, made some promises and appears ill prepared, unprepared, reluctant, indeed has not even come close to meeting those commitments, meeting those obligations.

So those are three areas. When the minister presents this legislation—and, as I say, undoubtedly a part of that Ontario motorist protection plan—he tells us that it is all under the guise of making our roadways safer, making it safer for drivers and other persons using the highways. I say in response, “Close or sort of close, but no prize.”

We have all heard the Solicitor General (Mr Offer) talk about his promise of 100 new OPP officers. We have not seen the OPP officers yet. Those are the ones who are supposed to be stationed north of Toronto to patrol highways like 400, 401, 403 and so on. I fear that if there are 100 OPP officers positioned on those highways, it is going to be at the expense of the northern communities from which they are being taken and transferred down here.

It is not just OPP officers that patrol highways and enforce the Highway Traffic Act. We all know that it is municipal police officers as well. Unless and until this government makes a stronger commitment to aiding municipalities and regions, places like the regional municipality of Niagara, in what are incredibly rapidly increasing policing costs, until this government makes a serious commitment to aiding those municipalities and giving effect to meaningful policing, all the amendments to the Highway

Traffic Act in the world are going to be for naught, because there simply are not going to be police officers available to effect meaningful enforcement of them.

Indeed, all of us know that all the laws in the world are of no effect if there is not some perception on the part of the community of at least a likelihood or a probability of detection, of apprehension. People are going to continue to speed, people are going to continue to drive illegally, people are going to continue to drive without licences as long as they can conduct themselves in the belief that they can get away with it and as long as communities like the regional municipality of Niagara are hamstrung when it comes to financing of police forces. People know that the law is there, but there simply are not police available to enforce it.

Mr Wiseman: I know the new minister was not in his present portfolio back in February when the then Minister of Transportation, the member for Scarborough East (Mr Fulton), brought forth a lot of safety measures in Bill 219 on 27 February. It would seem to me that a lot of these things should have been incorporated in that bill at that time and perhaps we would not be pushing it through just prior to Christmas like this.

I would like to touch on what the honourable member just previous to me had stated about the Provincial Auditor's report when he said that hundreds of people were able to go and change and get another licence by just a name change. I am surprised that when the minister was bringing forward this legislation, bearing in mind this is twice in one session that we have had a safety bill before us, he did not take a little more time and incorporate how he was going to change that loophole and plug it so that people who have a bad driving record cannot simply change their name and get another licence and perhaps go out and commit all the infractions that they did with the first licence.

I cannot comprehend that in this day and age, in 1989, somebody could get away with a thing like that. With the computer network and the photographs and everything we have on our driver's licence, I would never have thought it possible. Perhaps that should have been incorporated in this bill as well.

In regard to the air brakes that are mentioned in this bill, it has always been my understanding, and I only have a little bit of equipment at home, that in order to drive a vehicle with air brakes, even for farm purposes, you had to have a special licence. Now I understand that the only ones who

really needed that were people with real heavy equipment such as tractor-trailers. When I went to purchase one, even the garage told me, "Doug, if you buy that one, you have to have a special licence because there are air brakes on the vehicle and your licence doesn't cover you to drive that." Perhaps he was wrong, but I took him at his word.

I wondered where the minister said that he may enter into a reciprocal agreement with some of the states in the United States. I believe for certain fines in the past—we have certain states, and I believe New York state was one of them—but perhaps for the benefit of all of us, the minister could indicate when he answers which states we presently have that agreement with, so that any of us on the way to Florida will know that the fines will register back in Ontario and if we will have to pay the Ontario rate or the rate in New York or whatever it might be.

The other part that I just could not understand, in 1989 again, is that persons must report serious damage or bullet-marked cars. Gosh, I thought that it was always over a certain damage done to your car, percentage or cost damage, you had to bring in the police and it had to be registered, the whole thing. Then I thought if you missed out there, if someone rear-ended you and went to the auto body shop, I always was under the impression, and I could not believe in 1989 that it was not the case, that the auto body shop was expected to report that to the local police if it looked the least bit suspicious of a hit-and-run or whatever it might be. I understand from talking to some of my police friends that some of the first places they go to look are auto body shops to see if a car has been repaired and it looks a bit suspicious and what colour of paint it has on it and the whole bit. I just thought that that would have been a must long before now.

I wonder when the minister said that the money that will be raised from tripling the fines will be in the neighbourhood of \$25 million to \$30 million, if that was a conservative figure based on a deterrent level, because some of the people who did a workup for me said that based on last year's fines, with no deterrent built in, it would be somewhere just under \$100 million of additional revenue.

1600

I also wonder when we hear from day to day here about the backlog in the courts, if a person is going to be fined triple the rate and gets into our court system that we know now is backed up for two or three years—and that is only because we have so many lawyers in here and not out in the

field practising, or they have not made the member for Brampton South a judge yet and I hope they do—how they are going to administer these.

They need to put in a few more judges, and perhaps some of our legal friends who are in the Legislature might consider a judgeship if the Premier (Mr Peterson) were to offer it to them. I know one or two of my colleagues on the other side who would jump at it. Perhaps the minister could mention something about that as well.

When the minister said, "We would be happy if we did not collect a bit or if the Treasurer never received any money through the tripling of the fines, if it became such a deterrent that there were not any," I would like to believe him, but when you look at the track record of the government, this same government, this same ministry that raised the licences on cars this year, raised the licences for drivers themselves, and it seems that in every nook and cranny or at every turn they are finding another loophole to raise tax. That is not to say that the minister does not believe what he says, but if he just examines what their track record is, I think he will retract that statement and say it is a bit of a money grab again, as well as hopefully a deterrent.

Before the minister answers and says that it is a federal responsibility, the former minister, I believe it was in the estimates, mentioned that the ministry had highlighted about 50 railroad crossings in this province that are dangerous. We all know that railroad crossings are jointly federal and provincial, and the railroads. I do not know why we have not tried to correct some of those situations, as I understand that just in the summer alone of this year, there were 14 deaths because the railroad crossings did not have the arm that comes down on the approach to them.

There are many areas in which I hope, if the minister receives this added revenue, he can put to it better use than maybe going into the Treasurer's fund, to improve safety on the highways. There are many places that are highlighted. I had an Indian reserve get in touch with me the other day that has had many accidents at a particular intersection in northern Ontario off Highway 17. They would be pleased with that. We have them in all of our ridings. Whether there is \$100 million collected in these additional fines or whether it is the conservative amount of \$25 million or \$35 million, I would like to see that turned into safety on the roads.

The minister mentioned that improving the impact of bumpers was a federal responsibility. Ralph Nader, whom we all know, and others

have mentioned that it should be up to an impact of 10 miles an hour, and I am sure that the member sitting to the minister's front, the Minister of Financial Institutions (Mr Elston), would be happy at any reduction in the amount of money going out for serious accidents or any accidents.

The air bags in the front seats have saved a lot of lives. Most of the more expensive cars have them, but I think all manufacturers should be encouraged and by a certain date be made to put them in. They are also talking about the side impact and rollover protection for cars. That is another must from Ralph Nader's safety advocacy group, and an improved steering assembly. I do not know whether any of the members have had cars that—I have had quite a few new ones in the last while and even the new ones have some steering problems in them, and they are not cheap cars either.

Then there is improved highway design. They tell me that an awful lot of accidents are because of the way the highway is designed, that it is not curved on the turn to allow motorists to get around at the speed limit, and many of them slide off and are seriously hurt.

These are some of the problems I see with the bill. I would like to hear what the minister has to say and perhaps to have some comments after his remarks.

The First Deputy Chair: Are there any comments or questions? There being none, any further debate? Would the minister care to wind up?

Hon Mr Wrye: I understand that this legislation will go to committee of the whole House tomorrow or Monday, and if my friends have any comments on any of the very technical details, they may want to offer them at that time. I appreciate their help and support and that of the third party for getting this bill through second reading today.

I just have a couple of things. I note with some interest the remarks of my friend the member for Welland-Thorold (Mr Kormos) on the issue of 20 kilometres an hour over the limit in the city being different from 20 kilometres an hour over the limit on Highway 401. I have some sensitivity to what he is saying.

We establish maximum speeding fines only and the courts impose actual penalties. One of the things I can say to my friend is that because it is a fairly complex, it would add almost impossible complexities to our establishment of fines, because one does not go from city streets to superhighways. One has secondary highways,

two-lane highways, three-lane highways; one has even within a community major arterial roads and so on.

But my friend has interested me in the matter enough that I would tell him in the House that I think the suggestion is worth while enough that we might pass it on Chief Judge Hayes, and that within that system the judiciary who set these fines in many cases might consider varying out-of-court settlements with speed limits on a given highway.

I also note my friend's views on training. It is an issue which we are very concerned with. I am not sure that the views expressed by those who are lobbying for a set group of learning practices leading to a driver's licence are necessarily appropriate. I think much more appropriate, and my friend alluded to it but passed on beyond fairly quickly, is the issue of the graduated driver's licence. It has been tried in a couple of states, and in Maryland and California it is having a very positive effect.

The suggestion that first began when we were discussing the issues of auto insurance and auto safety reform in September of this year has been very very well received by the public in Ontario. I sometimes think, to the extent one can do it, as a government, as a Legislature, that is very encouraging in that the public seems ready to accept the concept of the graduated driver's licence.

I have asked my officials to work very quickly, as quickly as possible, in bringing forward to me firm proposals and options to take to cabinet and then on here to the Legislature, because I really believe that with the general public acceptance we have received, it is something we can move on with fairly quickly.

1610

The issue of licence suspensions, which I believe my friend the member for Welland-Thorold raised, or perhaps it was the member for Lanark-Renfrew, along with a number of other issues which are not contained in the bill, is an issue that we will take a look at. Legislation, amendments to the Highway Traffic Act come forward to this House from time to time, and certainly the thoughts and comments of my colleagues in both of the opposition parties are very worth while and will be carefully considered.

Turning to the comments of my friend the member for Lanark-Renfrew, I would note his comments in terms of the Provincial Auditor's report. We are currently looking at some of the

issues that the auditor has raised and we have been looking at them for some time.

It seems that in our modern society some people will go to any limits to try to beat a law that is in place, and it probably would do us well to just reflect on that and consider that; that is, that people are going to extraordinary lengths to try to defeat the legislation which this Legislature has put in place. We are moving as quickly as we can, as resolutely as we can to make sure that our legislation and our legislative intent, which is to protect the drivers of the province, is protected.

In the specific instance raised by the member for Lanark-Renfrew, we are working with the Ministry of Consumer and Commercial Relations, with the registration division, to see what opportunities there are for exchanges of appropriate information which will protect the public from those who will attempt to go to the radical extreme of changing their name in an effort to get a new driver's licence while suspended. I think all members of the House would agree that is an extreme length, but it appears some people will go to those lengths, and we are trying to respond to that.

My friend also talked about the United States reciprocal agreements, and I should advise him there are no existing agreements with US states for enforcement of their laws. Under the proposed agreements, we are going to sanction our drivers with demerit points or suspensions in accordance with Ontario's laws. We will not be collecting fines with US states, but certainly the general enabling powers in here will allow us, as we go forward, to work more co-operatively with sister provinces and sister states, as we are in a number of areas in the future. But I can tell the member that if he is headed for Florida this Christmas, he is safe.

The member again raised the issue of the amount of money to be raised, and I agree. I indicated in my earlier comments that the maximum, without these matters having any deterrent effect, could be somewhere in the range of \$80 million, \$90 million, \$95 million. We expect it will have a deterrent effect; one does not know how much.

Certainly, I want to disabuse my friends of any thought that the issue is one in an effort to get a tax grab. We are looking for a deterrent effect. It is very different from the licensing changes which were brought in in the budget of this year by my good friend the Treasurer. We made it very clear at that time that money would be used, as some other tax changes are being used, to do an unprecedented amount of roadbuilding, for

the purchase of new capital equipment for our public transportation system, to make this province the finest province in all of North America in terms of the ability of its people to move safely and in a degree of comfort from one place to another, and the ability not only of people but goods and services to do so.

Finally, my friend raised the issue of grade separations. I will not go into a lot of detail. I may want to talk to him about this. I have raised the matter with the federal Minister of Transport. I believe that the initiative taken by my predecessor, the member for Scarborough East, was an excellent one, really quite an outstanding one. He showed great leadership on a national basis in terms of trying to address this issue and it is one that I am trying to carry on quietly and to convince my colleague the Minister of Transport at the federal level that there is good safety merit in moving forward on these issues.

With that, Mr Speaker, I will move second reading.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

ONTARIO LOTTERY CORPORATION AMENDMENT ACT, 1989 (continued)

Consideration of Bill 119, An Act to amend the Ontario Lottery Corporation Act.

The Second Deputy Chair: We are dealing with Bill 119, the Ontario Lottery Corporation Amendment Act. My understanding is, in continuation of the bill, the member for Mississauga South (Mrs Marland) had not had the opportunity of placing—

Mr Kerrio: She is not here.

The Second Deputy Chair: Wait a minute. The member for Mississauga South had not had the opportunity of placing any amendments, but now that we are back in the committee of the whole House, we are looking forward to a discussion of section 1.

Section 1:

The Second Deputy Chair: Is there any discussion or any amendments pertaining to this section?

Ms Bryden: I think the member for Mississauga South—she is now here anyway—was speaking on the opportunity which the previous chairman had given the members to make general remarks under section 1 on the bill as a whole and possibly to discuss any amendments to sort of forecast

what they were considering in amendments before we get into the actual debate on section 1. I do not think she had as much time as I had to make opening comments under section 1, and she did adjourn the debate. I think we should continue with that. Then I understand the amendments have all been tabled with the chair. We can then get into each section and look at the amendments for that section.

The Second Deputy Chair: I thank the honourable member for Beaches-Woodbine for her up-to-date comments. It is my understanding that in committee of the whole House, of course, we do not adjourn the debate. We just continue on with the debate in committee. I would like to also point out that we have traditionally in the House not spoken generally to a bill in committee of the whole House. That is done during second reading, but of course, if a member wants to speak in general terms to section 1 of the bill, that is proper procedure. With the help of the honourable member for Beaches-Woodbine, I will then turn to the honourable member for Mississauga South. Would she like to continue on with general comments to section 1 before the placing of any amendments?

Mrs Marland: I do appreciate the opposition's courtesy and also of the chair to—

Hon Mr Elston: You are the opposition.

Mrs Marland: No, I am the third party, I say to the member for Bruce. We will become the government, however.

Mr Campbell: Yes, the next ice age.

Mrs Marland: In speaking to section 1, I say to the member for Sudbury that this is the season of goodwill, and before I make any comments at all I thought it would be nice for the member to make something positive in his comments with respect to both parties on this side of the House.

1620

What I had started to say originally in addressing Bill 119, An Act to amend the Lottery Corporation Act, was the fact that the former government—and I say “former government,” being the government prior to September 1987, which was a Liberal government put in office by the accord with my colleagues in the New Democratic Party—had a Treasurer by the name of Robert Nixon who introduced into this Legislature Bill 38, which was also a bill to amend the Lottery Corporation Act.

Bill 38 met with the greatest opposition that had ever been mounted in the history of this province between two allied groups. The two allied groups were, for the first time, the alliance

between culture and sport, or another way of describing it would have been the arts and recreation, since recreation encompasses sport also.

How unique that the culture and arts groups, which were very concerned about the risk of the loss of lottery funds through Wintario grants and others to their programs, would recognize that they had to get together with the recreation and sports groups around this province in order to demonstrate in a very real way to the government of the day that Bill 38 simply was not acceptable to the people of this province.

Bill 38, for the sake of the member for Scarborough-Ellesmere (Mr Faubert), who is chatting away in the back, is not exactly the same as this Bill 119, but it has the same intent. When I say it is not the same, Bill 38 took away the designation for lottery profits to be spent on recreation, physical fitness, culture and sport. It took away the designation altogether. It gave the government the power to have all the lottery profits go into the consolidated revenue fund and from there, goodness knows where.

This bill actually says that the money will go again into the general revenue fund and this time it will be spent for the operation of hospitals plus recreational and cultural activities, physical fitness and sports. I am not actually wording them in quite the same order. But the fact of the matter is that if we go back to Bill 38, which the Treasurer of the day, the same Treasurer that we have today, by the way, in his wisdom did not call—the Treasurer of the day—

The First Deputy Chair: Order, please. I am just going to intervene for a moment here to remind members that we are in committee, and traditionally opposition critics and the minister have been afforded an opportunity to make some brief remarks about the bill that is before us. I am quite happy to hear that, so that all that is left for me to decide is what do we mean by “brief.” I think I can do that.

I am not prepared to entertain a broad discussion of government policy under committee of the whole House, where we are dealing supposedly with the bill clause by clause. I do not think we want to establish a lot of rules on how we proceed from here. This House has traditionally afforded an occasion when members could make some introductory remarks. I think we would very much like to be able to do that with as much latitude as possible, but I do not intend to sit through a long policy debate on something that is not before us at the moment.

So I would ask members, when you make your brief introductory remarks, that they be just that, brief introductory remarks about the bill that is currently before us. If you think this person is going to sit and listen to your throne speech again, you are wrong. So would the member for Mississauga South please continue briefly.

Mrs Marland: Mr Chairman, I would pray that you would be as courteous as your caucus colleague the member for Beaches-Woodbine (Ms Bryden), who in fact recognized that we in this party should at least have the same time as the official opposition party had in the committee of the whole.

The First Deputy Chair: Prayer works wonders. Try it.

Mrs Marland: I would certainly hope that you would extend that courtesy to me. The fact that the government members applauded your ruling makes me a little bit concerned about whether you are sitting in the middle of the floor on your way to walk over to the other side, but I certainly have more respect for your judgement and I know that is not the case, however.

I will use my time. I am making note of the time I started and asking for equal time as with the official opposition. What I use it for will be directly pertaining to Bill 119. I want to explain why Bill 119 is before the House.

Mr Faubert: We know why.

Mrs Marland: I will tell the member why. It is because this government won a 94-seat majority in September 1987. Prior to that, this government, under the Treasurer, had the wisdom not to call Bill 38 because he, at that point, listened to the alliance of the recreation and arts groups around this province.

When he listened to them, it was when there was a minority government. The sad thing, and the real commentary about what has taken place, is that now we have this huge, arrogant, 94-seat Liberal government and in its arrogance, it does not now have to listen to anybody, and it does not listen to anybody. I can tell the members that it held public hearings, as the members well know, on Bill 119 and it had representations from many, many groups.

I think the number, as my colleague the member for Beaches-Woodbine said, was something in excess of 125 groups. Among those groups were the real heavyweights who have to deal with the lack of funding that they do not receive from this Liberal government, namely, the municipalities. The municipalities, through the Association of Municipalities of Ontario,

made a very heavy, sincere presentation to the committee that heard the deputations on Bill 119 and said, "We cannot afford to be in the business of recreation on behalf of our taxpayers and our residents in our municipalities around this province without the guaranteed availability of money from lottery profits."

Not only did those municipalities come before the committee, but many, many other groups, on behalf of the citizens of this province—many, many other groups representing physical fitness, recreation, culture and sports, the performing arts, the visual arts. We are talking about public sector services here.

I think the one main thing that the government has missed with Bill 119 is the fact that there is no wording in this bill whatsoever—I can show the House that Bill 119, in fact, is one and one eighth of a page and there is no wording in this bill that guarantees any money anywhere, except one place. It guarantees that all the lottery profit money goes into the consolidated revenue fund. But from there, where it goes is within the purview only of the Liberal government.

What those municipalities that came before this government and the all-party legislative committee have been trying to say, including my own municipality of Mississauga under the presentation of Mayor Hazel McCallion and the commissioner of recreation for the city of Mississauga, Ian Scott. What they said, along with all the other municipalities, was, "We don't have the ability to fund these facilities without grants through Wintario and other similar programs from the province."

1630

When the Progressive Conservatives were the government they did have a grant program that helped to build recreation and community centres. That fund is nonexistent under this Liberal government. The transfer payments to municipalities have been reduced every single year of four years under this Liberal government. So those municipalities have no choice but to put the burden of financing these programs on to the backs of the property taxpayers.

What is really significant is the fact that the Ontario Liberals are selling Bill 119 under the guise that they are going to put lottery money into hospitals. There is nowhere in this bill that it makes a sincere commitment to the capital cost of hospitals. There is nowhere in this bill that as little as \$1 is allocated. There is nowhere in this bill that we can be assured that lottery profits, if taken away from these other uses, will provide more training for our hospital staff, more medical

staff, more health care providers or a single hospital bed more.

That is why we are opposed to this bill, and that is why we are going to move the amendments that we are going to move. Even though the Liberal government fails to recognize this, we recognize very clearly that physical fitness, recreation and culture, whether through the performing or visual arts, are preventive medicine. We listen to the professionals who are involved with those programs around this province; they tell us that if people are physically fit and psychologically healthy because they have the opportunities for recreation through facilities in their municipalities or they have the opportunities to escape into an art class, a pottery class or a weaving class, to attend an art gallery, whatever the area is that is funded under culture, those people keep healthy because in this stressful world today physical fitness is of primary importance and so is our psychological or mental health.

Our mental health very often is what keeps us out of hospitals. If we can be healthy mentally because we have recreational and cultural programs accessible to us, then why would the government not want to guarantee a certain amount of the lottery profits to those programs and keep people out of hospitals, the very hospitals they now say—although there is no guarantee—they will use lottery profits to fund.

Frankly, we think hospitals' operations, which this bill addresses, should not be funded at the whim of a lottery. We think hospital operations are so critical on a day-by-day, month-by-month, year-by-year budget basis that those hospital boards have to know the money is coming. They cannot wait to find out that they are going to get X amount of money from a lottery. The lottery profits fluctuate. Fortunately, the lottery profits usually have been building in terms of volume of profit every year, but to fund hospital operations with lottery funds just does not make any sense.

This Liberal government chooses not to guarantee any dollar amounts or even any percentage. We have asked for a percentage of the lottery funds to be assigned to hospitals, including capital costs—not just operations, but primarily capital costs—and to take the capital costs of hospitals away from the property taxes, which is now what is happening around this province.

We are simply saying that if the government is really sincere about Bill 119, then it should guarantee a percentage to recreation and cultural programs, to keep people healthy mentally and

physically and keep them out of the hospitals, and it should guarantee a percentage to hospitals. But this bill guarantees one thing, and that is that the money goes into the consolidated revenue fund.

One final thing I want to say is that the greatest value of the lottery programs that have funded projects around this province for 14 years now is the fact that it brings communities together. I am sure all members of this Legislature have experienced that in their own riding. If they are former municipal politicians, as are some of them who I see here today, they know the local ball team, the local pottery club, the local hockey team—if we are talking about sports—any of the sports groups or any of the arts groups that band together to raise funds for matching money to matching government grants, they know the tremendous advantage of that. There is an advantage because they come together as a community and they are goal-oriented to raising money for the benefit of the community as a whole, whether it is to build a facility, enlarge a facility, or repair or renovate a facility.

Whatever the program is that makes them eligible for a provincial grant from the lottery profits, it has a double-barrelled benefit; first of all, the facility or the addition or the renovation gets done, and secondly, these groups come together as a team in the fund-raising process. There is no price that can be put on that. It is an invaluable experience within a community, and we as the Progressive Conservative Party support that direction for people in this province.

When we move the amendments this afternoon, it is because we are very concerned about the fact that the government has chosen to ignore those groups who have come before them and said, "Please guarantee us at least a percentage of the lottery profits."

The First Deputy Chair: Just for future reference, the member for Mississauga South was quite correct, that it certainly would be unfair to offer to one party an unlimited amount of debate in opening remarks and then attempt to restrict someone else who just happened to speak after them to a much shorter time. That would have been unfair. But I want to point out that if you see me sitting in this chair, my definition of brief is not 30 minutes. In future, you might keep that in mind.

We have been given notice of amendments to section 1. I believe we have dealt with one of them. The next one that would come up to section 1 would be from the Progressive Conservative caucus.

Mr Reycraft: Mr Chairman, was it your intention to allow the government party to make a few introductory remarks as well?

The First Deputy Chair: The government party always has the opportunity at the beginning of the process to make whatever introductory remarks it sees fit. If no one chooses to stand up, I cannot do much about that, and then we will go on rotation. Perhaps the member might do that. Since we have heard from the two opposition parties at some length, I am sure they would concur that we would allow the parliamentary assistant to make some introductory remarks if he cares to delay the process further.

1640

Mr Reycraft: Having heard the definition of "brief," and with that kind of encouragement, I would like to make just a few comments in response to the comments of the member for Beaches-Woodbine yesterday and the member for Mississauga South yesterday and today—of course, 30 minutes total; not to suggest she talked for two full days.

I want to go back to Bill 119 because I think we got quite a distance away from that a little while ago this afternoon. Bill 119, An Act to amend the Ontario Lottery Corporation Act, requires the Ontario Lottery Corp to deposit all of the profits each year into the consolidated revenue fund. It requires the government to make those funds available for culture and recreation and for the activities of the Ontario Trillium Foundation, and if there are residual funds that have not been allocated for those two purposes, then they are to be allocated and used for the operation of hospitals. What Bill 119 does is restrict the allocation of lottery profits to any other purposes, and that has not been done up to this time.

The standing committee on general government, I believe, had three full weeks of hearings on this bill. The committee heard from a large number of groups. It was a valuable experience. It provided an opportunity for all members on the committee to be reminded of the very valuable contribution that many cultural and recreational organizations across this province make to the quality of life of the people of Ontario.

It gave us an opportunity to hear their concerns and to attempt to understand them. The main concern that came through as we listened to the many groups was that related to the future level of funding that was going to be available for culture and recreation in this province. Many of those groups were concerned that somehow Bill 119 might result in an erosion of financial support for their organizations by the Ministry of

Culture and Communications, the Ministry of Tourism and Recreation or the Ministry of Citizenship.

The hearings gave us an opportunity to talk about the government's record on funding culture and recreation in this province. It gave us a chance to talk about how that funding has increased from \$282 million in 1984 to \$418 million in 1989, from \$282 million to \$418 million in five years. That is an increase of some \$136 million, an average increase of \$27 million per year, an average increase of 9.6 per cent. I think those increases are clear and ample evidence of the commitment that this government has made to culture and recreation in the province.

I am not surprised that groups and others in the province are concerned about reduction in funding for culture and recreation, because members of the opposition parties have done everything they possibly can to encourage that kind of concern. I received just yesterday a copy of a letter that was sent on 18 October by the member for Sarnia (Mr Brandt) to, as I understand it, all municipalities in this province talking about Bill 119. In his letter, the member described the bill as "legislative carte blanche to alter the flow of provincial lottery revenues from recreational and cultural activities to Ontario's hospitals."

Nothing could be further from the truth. There is nothing in Bill 119 that suggests there should be any shift in funding away from cultural and recreational activities in this province. Nothing has been said by any member of the government or any member of the committee, save and except perhaps the opposition members, that would indicate there would be any reduction in funding for culture and recreational activities in the province. Indeed, the increase in funding for those activities that I have outlined clearly indicates that the opposite is true.

The groups that appeared before the committee indicated they wanted to get from the government some kind of guarantee that funding for culture and recreation would not be reduced. They wanted a guarantee that the use of lottery funds for culture and recreation would not be reduced. So at the end of the hearings process I was pleased to hear the Treasurer (Mr R. F. Nixon), when he appeared before the committee, give those groups the kind of guarantee they were looking for.

The Treasurer when he appeared before the committee indicated to the groups that he would commit no less than \$120 million in lottery funds

for each of the next three years to culture and recreation, a total commitment of \$360 million over the next three years for cultural and recreational activities. That \$360 million represents a very significant increase over this year and the previous two. If we look at the previous three years, the total commitment in those three years for culture and recreation from lottery funds is some \$310 million. The increase over the next three years, then, is \$50 million more than what was used from lottery funding for culture and recreation over the past three years. So the groups that appeared before the committee got the guarantee they were looking for.

The member's letter, which I referred to a minute or two ago, also said that of the 190 groups that appeared before the legislative committee, not one supported the government's proposal. Well, there are a number of groups that appeared before the committee who indicated that they had no objection in principle to what Bill 119 provided.

I would like to refer to a very few of those, although I know the chair would like to proceed with clause-by-clause discussion of the bill.

On 21 September the Ontario Council of YMCAs appeared before the committee and indicated this to the committee: "This bill allows the government of Ontario to correct its past use of designated funds and to broaden its future use. We have no objection to that." That indicates they did not object in principle to Bill 119.

On 2 October a representative from the municipality of Nepean appeared before the committee. I asked, "If you could be assured that this kind of support through lottery programs would continue to be available and that the province's overall commitment to culture and recreation would be maintained at a minimum, but even more hopefully that it would be enhanced, would there be concern about Bill 119?" The answer from Nepean's representative was a very clear no, they would not be concerned about it.

The city of Ottawa made representation to the committee. The alderman who represented the city indicated: "We do not, as a council, object to involving the health field and hospitals in sharing the future funds from these lotteries."

We also heard on 13 September from the Ontario Municipal Recreation Association, to whom I had put this question: "I want to ask if your concern about Bill 119 would be the same if you could be guaranteed that the level of provincial support in real dollars would be continued." Its representative's response was, "It

would be my belief that our association would probably be very satisfied if we knew that there would be a guaranteed commitment somehow, some way." I am sure that person is pleased with the response that the Treasurer gave to the committee when he appeared before it.

One other quote I want to make from Hansard is from Monday 18 September. This is a quote by the member for Mississauga South, who said in speaking about Bill 119, "We agree with using lottery funds to fund hospitals." What Bill 119 does is restrict the use of lottery funds to culture and recreation, to the Ontario Trillium Foundation and to the operation of hospitals. I would think that the member for Mississauga South would be pleased with what the bill provides, combined with the guarantee that the Treasurer has made for culture and recreation in this province.

The First Deputy Chair: We are getting closer to brief introductory remarks, but not by much.

On section 1, I believe we have an amendment from the Progressive Conservatives, and taking a wild guess, I would think the member for Mississauga South would be moving this.

1650

Mrs Marland: I think when the member for Middlesex says that the opposition parties have been doing one fantastic job—he did not use the word "brainwashing," but the suggestion is that the opposition parties have done a fantastic job in informing the groups incorrectly about what Bill 119 is about.

I think the member gives all of us far too much credit. He gives us credit for having time to spend on an issue that we would not choose to spend it on, except that this government has this initiative. I think, in fairness, because the member has referred to a letter from John Gates, I want to tell him that I have a copy of the magazine *Municipal Recreation News*.

The First Deputy Chair: Order, please. I am very interested in everybody's correspondence, but today we are supposedly dealing with an amendment to a bill. Could we have the amendment or do you not want to put that amendment?

Mrs Marland: Yes, I have the amendment. I just felt that it was important to say that it is rather insulting to the groups that came before the committee to suggest that we brainwashed them or that they do not understand Bill 119. Every single group that came before the committee understood Bill 119 on its own.

I understand the first PC amendment motion was placed two or three days ago. Is that correct?

The First Deputy Chair: It was not.

Mrs Marland: I move that section 1 of the bill be amended by deleting everything after "therefor" in line 3 and substituting the following:

"9(1) The net profits of the corporation after provision for prizes and the payment of expenses of operation shall be paid into the consolidated revenue fund at such times and in such manner as the Lieutenant Governor in Council may direct.

"(2) A minimum of 35 per cent of the net profits of the corporation paid into the consolidated revenue fund in a fiscal year of Ontario shall be available for appropriation by the Legislature for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor.

"(3) Net profits not so appropriated in a fiscal year shall be available for the appropriation by the Legislature for the support of the Ontario Trillium Foundation, and for the financing of a health care manpower and capital development fund to be administered by the Ministry of Health with the advice and direction of the Premier's health council and will be so accounted for in the public accounts of Ontario."

The First Deputy Chair: The chair will rule, under standing order 54, that this motion is out of order.

Mrs Marland: I have another amendment to section 1.

I move that section 1 of the bill be amended by deleting everything after "therefor" in line 3 and substituting the following:

"9(1) A minimum of 35 per cent of the net profits of the corporation after provision for prizes and the payment of expenses of operation shall be paid at such times and in such manner as the Lieutenant Governor in Council may direct to an independent nonprofit foundation to be established with the object of promoting and developing physical fitness, sports, recreational and cultural activities and facilities therefor.

"(2) In any fiscal year, after provision is made for the payment of profits pursuant to section 9(1), net profits not so expended shall be paid into the consolidated revenue fund at such times and in such manner as the Lieutenant Governor in Council may direct and shall be available for appropriation by the Legislature for the financing of a health care manpower and capital development fund to be administered by the Ministry of Health with the advice and direction of the Premier's health council and will be so accounted for in the Public Accounts of Ontario."

The First Deputy Chair: The chair will rule that this amendment is also out of order under standing order 54.

Section 1 agreed to.

Section 2:

The First Deputy Chair: On section 2 of the bill, I have an indication of an amendment from the New Democrats and one from the Progressive Conservatives. I take it that it will be the member for Beaches-Woodbine who will move that.

Ms Bryden: Mr Chairman, as you know, my amendment to section 1 was ruled out of order last week, under standing order 54, although it dealt not with the spending of public money but with the allocation of public funds. But that appears to be covered by section 54 as well. I would just like to say before I move my amendment that there is absolutely nothing to prevent the members opposite deciding that they would like to introduce an amendment along the lines of my amendment, which was to send at least one third of the proceeds into the consolidated revenue fund with specific allocation instructions. Since we have heard so many recommendations of how the fund should be established, by all these 190 groups, it seems to me that I should be allowed to make a plea to the members opposite to adopt or to introduce their own amendment to section 2 and their own amendment to section 1.

Mr Elliot: On a point of order, Mr Chairman: I believe that the member from the official opposition is speaking to a motion which is not on the floor as yet. I would appreciate knowing what she is talking about before she speaks to the motion.

The First Deputy Chair: I believe there is some validity in what you have said, but the chair is mindful that we are in committee and members should have a right to make some remarks before they place an amendment. If members were to carry on for an undue length of time without putting the amendment in front of the House, I would be just as mindful of that and would caution members not to give us a long speech, but I certainly believe that it is appropriate in committee for members to make some remarks to explain their amendment prior to putting it. Please proceed.

Ms Bryden: Thank you, Mr Chairman. I appreciate your ruling. I think it is fair that I should be allowed to state my amendment. As I was saying, there is nothing to prevent the members opposite from adopting both my amendment to section 1 and my proposed

amendment to section 2. If they did so, they would be recognizing the tremendous number of requests from the various fitness, cultural, recreation and arts groups that were made in the 10 days of public hearings that were held. The member who spoke for the government admitted in his opening remarks that the vast majority did want some change in the allocation. We hoped that some of the points that this vast majority made would have been listened to.

If they are not listened to, there will be great fear that there is absolutely no guarantee in this act that any of the funds will go to the designated purposes in the original act. That is really what this whole bill and the public hearings were about: to see that we maintain the designated purposes in the act of fitness, sport, recreation and culture, that we give guidelines for the allocation of whatever money does come in and particularly that we give guidelines which deal with any funds that come in in a year and are not spent in that year. This is what the section 2 amendment dealt with.

1700

I think members should be aware, and I think it was admitted in the committee hearings, that section 2 is in there to legitimize the allocation of lottery funds which had not been debated in the Legislature, allocation of the new interprovincial lotteries that came into effect. If we are going to legitimize in order that the government may then continue to get that money out of the consolidated revenue fund, we should be looking at guidelines on disposing of that unallocated money in the revenue fund.

This is the main complaint about this bill. It is giving the Treasurer an absolutely blank cheque, in effect, when voted by the Legislature, to spend the entire lottery funds as he sees fit, to spend the unallocated lottery funds as he sees fit and to spend the accumulated unallocated lottery funds, which could amount to as much as \$500,000, as he sees fit.

There is no guarantee and there is no recognition that those funds really belong to the people who did not get their share of the funds in the years when they were unallocated. They were, in effect, misappropriated. There was no legislation governing their guidelines that said they could be spent on anything but the designated items in the original bill.

The government should recognize that it made a mistake by not legitimizing the allocation of the new lotteries and that it should correct that mistake by giving the money back to the groups that were in operation and were entitled to it and

then bringing in guidelines that would allow for them to go along further.

Mrs Sullivan: On a point of order, Mr Chairman: I have been following the arguments of the member carefully and I understood that her amendment was to be put to section 2. It seems to me that she is speaking a lot about section 1. I wonder if we could hear the amendment so that we could understand the drift of her argument.

The First Deputy Chair: As a matter of fact, I think one of the indications that I get as a chairman is that when the House begins to get antsy, to use the parliamentary term, it is probably time to put your amendment. I think we are all quite happy to provide members with an opportunity to make some introductory remarks, but I think it is time that you put your amendment.

Ms Bryden: My amendment is, in my opinion, in order because it does not affect the allocation of public moneys except by setting up a new fund within the consolidated revenue fund and setting guidelines for the dispensation of that money. It is not really disposing of or allocating lottery profits; it is setting up a new organization to allocate them, which could have been a separate bill.

That is the reason why I think it is in order and that it should be considered, because it is an alternative route in order for the government to make good on what it should have been doing in the allocation of unexpended funds in the past. It should not have been refusing to use the full funds that were coming in for the people for whom they were intended.

I move that section 2 of the bill be struck out and the following substituted therefor:

"Section 9 of the said Act, as set out in section, 1 is amended by adding thereto the following subsection:

"(2) The net profits of the corporation that were paid into the consolidated revenue fund before 1 April 1988 pursuant to section 9, as it was before the coming into force of this subsection, and that were not expended before 1 April 1988 shall be accounted for in the public accounts of Ontario as the Ontario lottery trust fund and the annual interest credited to the Fund shall be applied,

"(a) for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor; and

"(b) for the activities of the Ontario Trillium Foundation."

The First Deputy Chair: That too, under standing order 54, is out of order.

I have one more amendment. I believe the member for Mississauga South wants to put an amendment as well to section 2.

Mrs Marland: Since my two previous amendments and the last amendment placed by the member for the New Democratic caucus were not allowable under standing order 54 and I do not have the standing orders in front of me, could you tell me what standing order 54 is?

The First Deputy Chair: To assist you somewhat, you will find in your desk a grey book. The grey book is what is called the standing orders. Standing order 54 indicates clearly who can move an amendment of a financial nature. In general terms, any amendment that is proposed which has financial ramifications—that is, the spending of money in any way—is in order if it is proposed by a member of the government and out of order if it is proposed by a member from the opposition side.

Mrs Marland: Mr Chairman, I thank you for the explanation. I wanted the explanation on the record. I was familiar with the intent of standing order 54, but not the exact wording. I think the exact wording is very significant because, as you have just said in the precise wording, the government members in this House today, since we are in committee of the whole, do have a very real opportunity to move amendments to this bill if they are of a financial impact. Therefore, I feel it is very important that the government members are given that opportunity to make Bill 119 realistic and make it representative of the wishes of the people of this province through their elected officials in municipalities who have already made representations to this government about how they feel about Bill 119.

I think it is important that Bill 119 be amended in section 2 to address the concerns of the recreation and cultural groups around this province, and also the municipalities and the hospital boards around this province which do have a tremendous need for additional funding, not only in the operation of hospitals, which is what this bill addresses, but in the capital cost of new beds, new equipment and indeed new buildings.

When the member for Middlesex said that I was in favour of lottery funds for hospitals, he was absolutely right, but I do not want funding for hospitals to be only at the whim of lotteries. I want hospital funding to be honourably granted by this Liberal government where the need is identified.

Therefore, in moving these amendments this afternoon, I have tried to have the government, if those two previous amendments were not accept-

able because I am an opposition member, move on behalf of the people of this province the amendments that are needed to make this bill do what it is they are trying to say it will.

The member for Middlesex said there is a guarantee of \$316 million for three years for recreation and cultural groups, a guarantee made by the Treasurer. I would point out that a letter from the Premier indicated that the revenue of undedicated provincial lotteries was expected in 1988-89 to reach \$445 million. If it is going to be \$500 million in 1989-90, as the member for Middlesex has just told me, then I would say that \$316 million over three years, which is \$105 million a year, is a paltry amount for recreation and cultural interests. If the profit is \$500 million and the recreation and cultural groups are going to get \$100 million a year, it is a paltry one fifth of the lottery profits.

1710

In fairness, I would hope that at some point there will be an amendment by the government to identify the fact that preventive medicine is not being supported here. We do not want a province of sick people, we want a province of healthy people. We want to keep people out of hospitals. We want them to be able to have recreational and cultural activities to keep them healthy, as I said earlier, physically and mentally.

For any government member who believes in what the people of Ontario want and who understands what the people of Ontario want, my motion provides an opportunity for lottery profits to continue to play an important role in the life of Ontarians as they have for the past 14 years.

The First Deputy Chair: Mrs Marland moves that the bill be amended by deleting section 2 and substituting the following therefor:

"The net profits of the corporation generated by intraprovincial lottery games that, pursuant to section 9 of the said act, have been paid into the consolidated revenue fund before 1 April 1988 and that have not been expended before that date shall be deemed to establish a trust, the annual interest on which shall be available for appropriation by the Legislature for the development and promotion of sport, fitness, recreational and cultural programs and other programs designed to reduce demands on the health care system, and shall be so accounted for in the Public Accounts of Ontario."

The Chair will also rule that this amendment, as well, is out of order as it violates standing order 54.

There being no further amendments that I am aware of, shall section 2 carry?

Ms Bryden: May I speak to the section, Mr Chairman? Surely I have an opportunity to speak to the section, even though amendments have been ruled out of order.

The First Deputy Chair: You test me somewhat, in that I thought we went to some great lengths to protect your right to make some comments before you moved an amendment. It seemed to me that it would have been in order at that time to speak to it. I do not want to rule that it is out of order to speak to a section. I would seek a little co-operation here. I am trying to accommodate members on all sides. I do not want to limit the debate, but I do not want us to be repetitious either.

If you have something to say that you have not said previously in the debate, I certainly want to provide you with that opportunity. I seek your guidance.

Ms Bryden: I would like to point out that the figures which the member for Middlesex mentioned, which the Treasurer had guaranteed, he said in an appearance before the committee, would be paid to the cultural, recreational and sports organizations in the next three years is not a guarantee that is in the act. The Treasurer may not be here when the next year's lottery money is being distributed.

We would like, in this act and in section 2, an actual guarantee of the amounts that the Treasurer has proposed to give. I must agree with the member for Mississauga South that it is a paltry proposal, it is peanuts, it is less than a fifth of the total lottery profits. But no matter how much it is, if it is a pledge, if it a guarantee, as the member for Middlesex says, we want to see it in the legislation.

The only thing we have seen in the way of a change in this section is the government amendment done earlier to take into account the 1989 receipts in to this fund made up from unallocated lottery proceeds. So the Treasurer is getting a bigger grab of lottery money as a result of government amendment, but it is giving only one fifth of total lottery revenues back to the organizations on a promise that may not ever be kept because it is not in the legislation.

That is my main point, that we should not pass section 2 until we get that written in, in a new government amendment. We should not report the bill out until that is done. That is the only way to keep faith with all of those hundreds of organizations that appealed to us to give them a guarantee. All they asked for was one third of total lottery profits and of the unallocated amount, but they did not even get that. Our party

tried to move that they should get at least one third. They have not got that at all. It is not written into the legislation that anything has to go to lotteries or to hospitals for that matter or to the Trillium fund.

It is all in the hands of the Treasurer. It is simply a disgrace in a democratic society to give the Treasurer that kind of power, and I am shocked that he, as a long-time member of this House, is going along with this bill.

Motion agreed to.

Section 2 agreed to.

Sections 3 and 4 agreed to.

Bill ordered to be reported.

On motion by Hon Mr Ward, the committee of the whole House reported one bill without amendment.

PROVINCIAL PENALTIES ADJUSTMENT ACT, 1989

LOI DE 1989 SUR LE RAJUSTEMENT DE PEINES PROVINCIALES

Mr Polsinelli, on behalf of Mr Scott, moved second reading of Bill 92, An Act to amend Fines and Terms of Imprisonment contained in certain Acts.

M. Polsinelli, au nom de l'honorable M. Scott, propose la deuxième lecture du projet de loi 92, Loi portant modification des amendes et des périodes d'emprisonnement prévues par certaines lois.

Mr Polsinelli: Today I am presenting to the House for second reading the Provincial Penalties Amendment Act, 1989. This act raises maximum fines and in some cases minimum fines for a large number of offences under provincial statutes. As noted on first reading, the act does hope to reflect the changing value of money since the fines for these offences were established or most recently changed.

The effect of the act will be to restore the fines to the level of seriousness they had originally. This will help to ensure that a fine's effect as a deterrent or as a punishment will not be lost. The measure should also increase the provincial fines revenues in real dollars to levels anticipated when the fines were first calculated. A few fines are raised more than just to compensate for inflation. The government has taken advantage of the opportunity presented by this act to make some other adjustments that are obviously needed.

This act is not intended to substitute for a general review of the affected statutes. The House should note that we are dealing here with

maximum fines. They are imposed only in the very gravest of cases. The actual fine imposed in a particular case will depend on the circumstances of the case as weighed by the judge who hears it.

Mr Reville: Can the minister indicate to the House whether any government amendments are anticipated?

Mr Polsinelli: The opposition critics have both been advised that there will be a number of amendments proposed. These amendments are strictly of a technical nature and are necessary to make the bill workable; they have been discovered since first reading of the bill. They have been shared with both opposition critics and they are well aware of what we are going to be doing.

1720

Mr Kormos: I am looking forward, along with other opposition members, to this being in committee of the whole. We will be proposing at least one amendment, and that is in an effort to correct what we see, I think quite legitimately, what amounts to a very hurried and scattered and ill-planned effort on the part of the government demonstrated or reflected in this particular piece of legislation.

A couple of examples that come to mind are the amendments to the Minors' Protection Act contained in Bill 92, and that is the whole business of the sale of cigarettes to persons under the age of 18—there has been a hue and cry for a long time for meaningful penalties and, indeed, this bill appears at first blush to be a response to that hue and cry—and the more recent calls upon the government to amend the Ticket Speculation Act to increase the penalties there. We are talking about people who are making big bucks, big money—one wonders how much of it is taxed because of the very nature of that business—scalping tickets outside places like Maple Leaf Gardens for hockey games, entertainment events, etc.

Basically, what they are doing is depriving hardworking people from attending these events, depriving people who work hard for a living from taking their kids to entertainment events or sporting events at the gardens or at other places and, instead, if you are going to participate as a member of the audience, you fall prey to these vultures who, as I say, in the colloquial are called scalpers.

By the way, we know how they do it. They scoop up all the most desirable seats, and one is perhaps suspicious of the degree of collusion between the promoters and the scalpers, because the scalpers seem to have an uncanny ability to

grab the very best seats notwithstanding that transparent effort on the part of the promoters to leave all of us with the impression that there is some sort of fair approach, almost a first-come, first-served basis, to selling tickets to these events to members of the public.

So the amendments relate to the Minors' Protection Act, with increased penalties regarding the sale of cigarettes to kids, and to the Ticket Speculation Act, with increased penalties for vultures who would prey on hardworking people and charge them unconscionable prices for admission tickets.

We welcome those aspects of it. We welcome the response to that hue and cry, that legitimate demand from the community, and, indeed, if anything, most of the legislation that this bill seeks to amend has not been dealt with in a long, long time, so at the very least inflation has taken its toll on the fines and penalties that were imposed and contained in the existing legislation.

But what is clear upon something more than the most casual reading of Bill 92 is that it was something that was slapped together, thrown together I dare say, at the last minute, thrown together without a great deal of thought. The bill bears all the hallmarks of haste, extreme haste, and, indeed, in some instances, carelessness.

There is no consistency in penalty, no effort on the part of the drafters of this legislation, clearly, to generate consistency of penalties from one type of offence to another. Some acts and some offences have minimum penalties, others do not. There is no clear rationale apparent from reading those acts and reading the penalty sections why some should warrant the minimum penalties and others should not.

Indeed, when you take a look at Bill 92 and the plethora of provincial statutes that it seeks to amend, it appears that some of the more modest offences, indeed, continue to carry some of the more onerous penalties, whereas some of the more onerous offences carry more modest or more moderate penalties. Some offences are ones which can be dealt with by way of fine and/or imprisonment, others merely by way of fine.

One would have hoped that the government, when reviewing and taking stock of its provincial legislation and in an effort to update the penalty sections of what amounts to not just a score but hundreds of statutes with penalty provisions, would have made an effort to generate some consistency, some standards by which certain offences would have attached to them minimum

penalties and some standards by which other offences would have attached to them the risk or the prospect of imprisonment as a penalty. Indeed, that is not what happened here.

It is a hodgepodge; it reflects the haste with which it was thrown together. We support in principle the need to update the penalty sections of most, if not all, of the provincial statutes in the Revised Statutes of Ontario, but when that exercise is being performed, one would think there would be a simultaneous effort to rationalize the penalties and to make them consistent with each other.

We are not going to do the government's job for it. If it wants to present bills like this, which are hastily prepared, prepared without a great deal of thought, in a sort of a last-minute effort to throw something together—well, there it is: it looks like a bill, and when you first read it, it reads like a bill; but when you reflect on it, it is not much of a bill, not much of a bit of legislation. But, so be it.

Because of the fact that this matter has been left without attention for so long, we see absurd penalties provided under the Minors' Protection Act for the sale of cigarettes, the sale of tobacco to kids. The penalties are so modest that it has been a disincentive to law enforcement people to enforce the statute. The penalties under the Ticket Speculation Act, as they have existed for so long, have also been so modest as to create a disincentive for law enforcement people to enforce the law in that regard.

Mr Reville: A \$2 fine.

Mr Kormos: Two dollars for selling tobacco to a kid.

Indeed, we can talk, as we should, about all the ills that plague our society. If we overlooked the serious impact of tobacco on young people's lives, we would be negligent in the highest degree.

So, it is important that these be updated. It is for that reason that we are going to support it. But, at the same time, we sadly recognize that this is one of those things that is so clearly a last-minute effort. It does not have in it the clarity that even the briefest of thought would have generated; it does not have in it the logic and rationale that even the briefest of thought would have generated.

It is unfortunate, quite frankly, that this is what most of us have come to expect from this government—last-minute, last-ditch efforts to try to cover the holes or to try to plug the holes in a leaky ship, and this bill, Bill 92, is as demonstra-

tive of that as any other legislation that the government has proposed.

But there it is. The government is going to have to live with the ill consequences of it; the government is going to have to live with not having taken the bull by at least one horn. What it is doing now is simply buying a little bit of time. It is unfortunate that it proposes to deal with things that way, but when a government has no agenda, when a government has no policy, when a government has no direction, as this Peterson government clearly does not, when it has been, as it is, dancing in fog without an agenda, without direction, without policy, we come to expect this; it becomes the norm; it becomes the status quo—Bill 192, here we go one more time.

1730

Mr Sterling: I am going to be very, very brief on this bill.

One of the problems associated with dealing with what you would call an omnibus bill that has many, many different sections to it is that I am not certain that because this was introduced, I believe, on 7 December 1989. What was that, a week ago?

Mr Haggerty: See how things are moving through the House?

Mr Sterling: One of the members says, "You see how things are moving?" That is what frightens me a little bit with regard to this act, that we are dealing with the amendment of very many acts, probably in the neighbourhood of 50 or 60 acts. Quite frankly, it is very difficult to understand what each increase in each fine actually means with regard to being a deterrent.

We should note that only in a very few cases is there a minimum fine in place. During the committee of the whole House proceedings, I will be dealing specifically with the Minors' Protection Act, which has to do with the selling of tobacco to minors.

This amendment, for instance, increases the maximum fine for selling tobacco to minors from \$50 to \$500 for an individual and from \$50 to \$25,000 for a corporation. But it does not even include a \$1 minimum for a fine for selling cigarettes to a minor. I will be talking a little bit about the history of that particular fine, as I have some scant knowledge about it.

In general, we would support this kind of legislation. We would only say that it would probably have been the kind of legislation which the government would want to have sit on Orders and Notices for a period of time before it really passed it, but that is really up to the government's conscience and the government's call as to

whether it wants to pass this speedily. I think it would probably have been to our advantage in the Legislature to have a little bit more time with it.

Mr Polsinelli: I look forward, first, to the discussion in the committee of the whole in terms of the amendments that may be proposed to this bill, but I would like to respond at this point to one comment that was made by the critic from the official opposition, that this bill was put together hastily and that, in fact, there is no consistency in penalty from one offence to another.

Quite simply, the response to that is that the intent of this bill is to remedy for the effects of inflation, and only in a small number of cases, where the deterrent impact of the penalty is no longer considered by the minister involved to be a deterrent, has the penalty been increased more than inflation.

This legislation is intended, as I say again, to remedy for inflation. It is not intended to be a general review of all the statutes involved. That may or may not be done by the ministries at some time in the future.

The Deputy Speaker: Is it the pleasure of the House that the motion carry? Carried.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

PROVINCIAL PENALTIES ADJUSTMENT ACT, 1989

LOI DE 1989 SUR LE RAJUSTEMENT DE PEINES PROVINCIALES

Consideration of Bill 92, An Act to amend Fines and Terms of Imprisonment contained in certain Acts.

Etude du projet de loi 92, Loi portant modification des amendes et des périodes d'emprisonnement prévues par certaines lois.

The Chair: At this point, I would like to list all sections. We have sections 5, 20, 34, 38, 79, 87 and 95 as government motions, and section 17 from the official opposition. Do you have any other copies? Would the third party have some proposed amendments?

Mr Sterling: Could you help me? I have an amendment to section 13 of the act. Given about a minute or so, I could supply you with a copy of the amendment. Do you have any other amendments to sections prior to section 13?

The Chair: Yes, I have one, to section 5.

Mr Sterling: Okay.

The Chair: So while we do section 5, maybe you can send a page for copies—we will need at least seven copies for the table here.

Mr Sterling: Seven. Is this the government—

The Chair: Of course. No, no, just the table, including legislative counsel, the Hansard people and the fine people in the interpreters' booth, who we never forget, of course. Thank you for arranging photocopies.

Do other people have other proposed amendments or would like at this point to list other sections? I will repeat what I have: government proposed amendments to 5, 20, 34, 38, 79, 87, 95; official opposition, section 17, and third party, section 13. Correct? Therefore, not hearing any other proposals, shall I say that sections 1 to 4 will carry? Carried.

Sections 1 to 4, inclusive, agreed to.

Section 5:

The Chair: There is a government motion from the parliamentary assistant.

Mr Polsinelli moved that section 5 of the bill be amended by adding thereto the following:

Le paragraphe 23(1) de la Loi de 1988 sur la destruction des mauvaises herbes, qui constitue le chapitre 51, est abrogé et remplacé par ce qui suit :

« (1) Quiconque contrevient à la présente Loi ou aux règlements, ou à un ordre donné aux termes de la présente Loi, est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au moins 500 \$ et d'au plus 2000 \$ à l'égard d'une première infraction, et d'une amende d'au moins 1000 \$ et d'au plus 5000 \$ à l'égard de chaque infraction subséquente. »

I presume the parliamentary assistant is afraid to hear my French. Fair enough, we shall assume that. Would you have an opening statement, Monsieur l'adjoint parlementaire ?

Une voix : En français.

Le Vice-Président : Mais oui, en français, bien sûr.

Mr Polsinelli: This amendment corrects an omission in the bill. The bill as initially submitted to this House was submitted in both the English and French languages, and what this amendment does is amend the French language text of the French bill.

1740

The Chair: Any other comments from the other critics or other members? Does that mean we are ready to vote? Is it the pleasure of the committee that the motion carry? Carried.

Motion agreed to.

Section 5, as amended, agreed to.

Section 6 to 12, inclusive, agreed to.

Section 13:

The Chair: Mr Sterling moves that section 13(1) be amended by deleting everything after "is liable to a fine" in the fifth line and substituting therefor "of not less than \$50 and not more than \$500".

Mr Sterling: This act deals with the fines that are levied against people who sell tobacco to minors. It is interesting that in around 1890 there was a minimum fine for selling tobacco to minors of some \$10 and a maximum fine of \$50. Over the years since 1892, I believe it was, the minimum fine for selling tobacco to minors fell from \$10 to \$2.

Today, in the bill that is placed before us, Bill 92, the government is increasing the maximum fine for an individual from \$50 to \$500, but is not putting in a minimum fine at all. In other words, the minimum fine is \$1 if one wants to put the smallest amount of money that one can imagine on it. This amendment, in fact, puts a minimum of \$50 on an offence of selling tobacco to minors and a maximum of \$500, as is contained in the bill when we are dealing with an individual rather than a corporation.

Mr Kormos: Very briefly, we support the amendment and we endorse the spirit which prompted its being moved. This is terribly important legislation; that is to say, the law itself is. It has been overlooked for a long, long time and the reason why is clearly because the fines are so modest that the low level of fine is in itself a disincentive for police officers and other law enforcement personnel to engage in investigation, apprehension and the charging process.

It is our hope, as I am sure it is the hope of the mover, that, first, the amendment will be passed and, second, in view of the new range of penalties, that the enforcement of this particular statute will be engaged in vigorously across the province, not just by way of a blitz but on an ongoing basis. There is just simply no argument and there is nothing that the tobacco lobby or anybody else could say that could justify the sale of tobacco to kids, because the sale of tobacco to kids is so that they are going to consume it.

The purveyors, the pedlars of tobacco to kids are in no different category from the junkies and speed dealers who would hang around schoolyards selling heroin, speed and other types of drugs and narcotics to those same kids, hoping that they get addicted so that they will become

ongoing, full-time customers. Tobacco is as insidious a drug as any other that is being used by people, both young and old, in North America today. We support this amendment wholeheartedly and enthusiastically and we look forward to its application.

Mr Polsinelli: One of the dangers of having minimum fines is that they can act as a deterrent to the laying of charges. That happens in the case where the minimum fine is too high. In this particular situation, we understand the great ardour and the great enthusiasm that the member for Carleton has in attempting to stamp out smoking in this province and that he would go to all lengths if that were possible for him to do. We have agreed to support this amendment.

Motion agreed to.

The Chair: Mr Sterling moves that subsection 13(2) of the bill be amended by deleting everything after "subsection (1)" in the fourth line and substituting therefor "the minimum fine shall be \$200 and the maximum fine \$25,000."

Mr Sterling: This amendment to Bill 92 provides for a maximum fine against a corporation of \$25,000. This simply does what the amendment to subsection 13(1) did for an individual save and except there is a different amount, and that is that the minimum fine for a charge against a corporation would be \$200.

Mr Polsinelli: The member for Carleton is establishing a different criterion for individuals than he is for corporations, that the minimum fine for individuals selling tobacco to minors is going to be \$50 and the minimum fine for a corporation for selling cigarettes to a minor is going to be \$200. However, in the spirit of friendship and co-operation that we generally demonstrate around this time of year, we will support this amendment also.

Motion agreed to.

Section 13, as amended, agreed to.

Sections 14 to 16, inclusive, agreed to.

Section 17:

The Chair: Mr Kormos moves that section 17 of the bill be amended by deleting the phrase "is liable to a fine of not more than \$1,000," and inserting in lieu thereof, "is liable to a fine of not more than \$5,000."

Mr Kormos: Section 17 of Bill 92 deals with amendments to the Ticket Speculation Act. Section 17 of the bill would purport to increase the penalty from what it is currently in the Ticket Speculation Act. The current penalty is a fine of not less than \$5 and not more than \$50.

As a result of some investigative reportage on the part of the Toronto Star, the extent of ticket scalping was drawn most dramatically to the attention of all of us some short time ago, certainly here in the city of Toronto, and in all likelihood in other parts of the province, the flagrant and blatant violation of the law that was taking place, earning certain actors small fortunes, indeed big fortunes.

It was being done by virtue of these vultures, these parasites buying up not just one or two tickets, but big blocks of tickets to entertainment and sporting events and then peddling them to those of us who do not have the connections. They have the inside track with promoters to get access to the proverbial good seats and sell them to us at grossly inflated prices, that being profit. That is against the law. It has been against the law for a long, long time and rightly so. Among other things, taxpayers, hard-working people across Ontario as often as not subsidize in one way or another the location, the venue of these events and sometimes in fact the events themselves. The practice of ticket speculation is one that deprives these same hard-working people of an opportunity to participate in these entertainment or sporting events.

1750

In response to that, the members will remember that the member for Cambridge (Mr Farnan) tabled in the House a bill amending the Ticket Speculation Act, providing for penalties that would constitute real deterrents to those who would dare violate it. That bill is alive and well as Bill 72, but hopefully, if this amendment is acceptable, that bill will be purely academic because it will not need to go anywhere. The basic intent of the bill will be incorporated into Bill 92 on the part of the government.

This amendment echoes the sentiments and the intent of the member for Cambridge's bill. It has been expressed, and it was expressed recently in that same series of newspaper articles, by the Metropolitan Toronto Police that they feel particularly frustrated. They would very much like to enforce the law, but they feel frustrated. They are dealing with scummy little people who make hundreds of thousands of dollars, probably very little of it is taxable. These people are driving around in cars that you and I can only dream about and living in homes that most hard-working people will never see.

Hon Mr Mancini: We dream about yours.

Mr Kormos: My Chevy S-10, the pickup truck, is parked out in the parking lot. The Minister of Revenue dreams about pickup trucks.

I find that fascinating. That warrants a little dream therapy.

Hon Mr Mancini: Tell us about the Corvette. What colour is the Corvette?

Mr Kormos: The new one is going to be green, which is a good NDP colour, and American made.

In any event, these people prey on hard-working people who have but modest amounts of time and modest amounts of money to spend on hard-earned entertainment time.

Hopefully, this is going to give the police some of the tools that they need. Hopefully, members of the bench, be it justices of the peace or provincial judges, whoever happens to be hearing these prosecutions, will appreciate that the reason for the maximum fine of \$5,000 is so that the fines can be in the thousands of dollars, not just in the hundreds of dollars.

I am pleased to move this. As I say, it was prompted by the bill presented by the member for Cambridge. I am sure it was merely an oversight on the part of the government to amend it to read but \$1,000. That is simply not enough. The type of sleaze who is doing ticket speculation now is such that a maximum \$1,000 fine is going to be but a licence to carry on in business. What we need are real penalties for the real bad actors who are out there engaging in ticket speculation, so they can be rapped good.

Mr Polsinelli: We are proposing to increase the fine 20 times, from \$50 to \$1,000. The member for Welland-Thorold wants us to increase it 100 times, to \$5,000. If we give one to the member for Carleton, we have to give one to the member for Welland-Thorold, so we are supporting his amendment.

Mr Sterling: I would of course like to express my wholehearted support for this being a more reasonable amount. I would have preferred it if he had included a minimum as well, but it is certainly an improvement over the \$1,000. Some of these individuals, I understand, are making a very tremendous profit on a yearly basis in doing this, and I think it should be discouraged. I think this amendment will assist in doing that.

Motion agreed to.

Section 17, as amended, agreed to.

Sections 18 and 19 agreed to.

Section 20:

The Chair: Mr Polsinelli moves that subsection 20(1) of the bill be struck out and the following substituted therefor:

“(1) Subsection 21(2) of the Day Nurseries Act, being chapter 111 of the Revised Statutes of

Ontario, 1980, is repealed and the following substituted therefor:

“(2) Every person who contravenes the provisions of section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both.”

Mr Polsinelli: This corrects a clerical error.

Motion agreed to.

Section 20, as amended, agreed to.

Sections 21 to 33, inclusive, agreed to.

Section 34:

The Chair: Mr Polsinelli moves that section 14 of the Compulsory Automobile Insurance Act, as set out in section 34 of the bill, be amended by adding thereto the following subsection:

“(1a) If an insurer is convicted of an offence under subsection (1), the fine shall not be less than \$5,000.”

Mr Polsinelli: This puts in a minimum fine.

Motion agreed to.

Section 34, as amended, agreed to.

Sections 35 to 37, inclusive, agreed to.

Section 38:

The Chair: Mr Polsinelli moves that section 38 of the bill be amended by striking out “\$10,000 for a first or subsequent offence” in the last two lines and inserting in lieu thereof “not more than \$10,000.”

Mr Polsinelli: This changes a mistaken fixed fine in the bill.

Motion agreed to.

Section 38, as amended, agreed to.

Sections 39 to 78, inclusive, agreed to.

Section 79:

The Chair: Shall section 79 stand as part of the bill?

Some hon members: No.

Section 79 withdrawn.

Hon Mr Ward: Mr Chairman, I would like to seek unanimous consent to complete committee of the whole on this bill. I think it will only take a few more minutes.

The Chair: Is there unanimous agreement?

Agreed to.

Sections 80 to 86, inclusive, agreed to.

Section 87:

The Chair: Mr Polsinelli moves that the schedule to section 87 of the bill be amended by striking out the reference to the Income Tax Act.

Motion agreed to.

Section 87, as amended, agreed to.

Sections 88 to 94, inclusive, agreed to.

Section 95:

The Chair: Mr Polsinelli moves that column 2 of the item in the schedule to section 95 of the bill related to subsection 30(3e) of the Highway Traffic Act be amended by striking out "500" and inserting in lieu thereof "5,000".

Mr Polsinelli: This is correcting another misprint.

Motion agreed to.

Section 95, as amended, agreed to.

Sections 96 and 97 agreed to.

Bill, as amended, ordered to be reported.

On motion by Mr Polsinelli, the committee of the whole reported one bill with certain amendments.

The House recessed at 1803.

EVENING SITTING

The House resumed at 2000.

FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY
AMENDMENT ACT, 1989

Mr Elston moved second reading of Bill 84, An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions.

The Deputy Speaker: Would the minister have an opening statement?

Hon Mr Elston: Just very briefly, Mr Speaker. The bill that is before us now actually is a result of the initial passage of the Freedom of Information and Protection of Privacy Act, and there was provision under section 67 that actually required the committee to report back to the House and make recommendations to deal with the confidentiality provisions, which were either unnecessary or inconsistent with the bill or at least the act that was passed for the purposes of freedom of information and protection of privacy.

This bill is a result of that. Initially, it has been developed jointly, actually, through a report to the committee by Management Board and then a series of hearings by the committee that recommended that certain things be done. In most situations, I think it is fair to say that there has been full agreement.

There are two areas of discussion still left with respect to the bill and whether or not it fully complies with the report of the legislative committee. In fact, the one area of dispute, which I think will be discussed by my colleague by the member for Oshawa (Mr Breough), focuses around whether or not there should be certain provisions added that might be construed to be more tightly defining the areas of confidentiality with respect to certain mediation and arbitration reports.

The other area actually is a direct conflict with respect to recommendations that have been put forward by the committee to us, basically with respect to Ministry of Health provisions under three statutes. In fact, we will respond, actually, I think, to the member for Carleton (Mr Sterling) who is raising those as amendments.

We have received correspondence from the Ministry of Health indicating that it not only would be prepared to accept the statute, but also that it would prefer having it in its current form to

having amendments, but perhaps we could deal with that item when the bill goes to committee of the whole House.

I just want to say finally, before we hear the remarks of our colleagues, that this effort has been very much expedited by the sense of co-operation among all participants in the committee and also the people at Management Board who helped by moving through a whole series of statutory provisions, some 130 provisions in 90 statutes. I think a lot of the work was accomplished in a manner which not only was quite efficient, but certainly very effective, and I look forward now to moving forward to putting the bill in place to comply with the legislation provisions from the original act.

I look forward to the interventions of the two critics and look forward to dealing with the issues at hand.

The Deputy Speaker: Thank you. Questions et commentaires au sujet de la présentation du Ministre? If not, do other members wish to participate?

Mr Breough: We support the bill. I want to spend a little time on the process part of it because I think there is a good process at work here.

Essentially, the bill that we have in front of us this evening is one that was put together in a way that was laid out in the original statute, with the reference to a legislative committee, the opportunity for that committee to do something that was actually somewhat daunting when one looks at the number of acts that are affected by the original Freedom of Information and Protection of Privacy Act and at the idea that a legislative committee is charged with the responsibility of reviewing each statute. That was almost an impossible task.

It became a possible task when the committee got sensible and said, "It would not be a sane thing to try to hold a long series of public hearings at this stage and ask people to make contributions on a bill that, in effect, for many of those statutes did not apply yet."

Our knowledge of how the original act is working is somewhat limited. I would dare say that most members here have had an initial skirmish or two with some of the ministries over how the bill was interpreted and how direction was given to local staff, as to how it would apply the bill and release information or not release it.

I want to say that in general, I think we have pushed this thing in the correct direction. The standing committee on the Legislative Assembly said, "Perhaps in the first round the sensible thing to do is to try to look at this from a drafting point of view, to see how it would have an impact on each of the ministries and to allow the ministries to tell us what their problems might be, and then let the committee make the judgement call as to what should actually happen." That in essence was the process.

All of the ministry staff was quite co-operative. We picked, I think it wound up being, about seven or eight of the ministries that looked after statutes that caused some problems for the committee. We asked them to come in front of us and provide us with reasons why something should be done or could not be done. They did, and they were unusually succinct in their presentations, for which we are immensely grateful.

The minister's staff was particularly helpful in trying to answer the million and one questions that people came up with. I think what we have before us this evening is the first round, and we should recognize it as that. This is a relatively new concept in Ontario. We are beginning to implement it across the ministries. It has encountered some initial difficulties, but in January of next year that will be the first real full-scale test of the act. What this round is trying to do is prepare us for that.

I think it is worth noting that in Ontario law now, we try to put into one act, one statute, the balancing process that is part of this. It would not be a sane thing to release information holus-bolus, which could damage someone's career or damage his aspirations to do certain things, which would be unfair. So in the Ontario proposal, the balancing process is internal to the act.

I think the Information and Privacy Commissioner, who happens to be someone whom most of us have worked with in several capacities over the years, is someone of whom most members of the Legislature would say, "We have a good deal of faith that there is some common sense there." Many of the staff members of the commissioner's office are people whom the members here have known in some other capacity. They have worked for a legislative committee. We have known them as people who worked in various ministries. So we have some hope, and I think a legitimate hope, that the staff members in the commissioner's office, who by and large will be charged with the responsibility

of carrying out the bill itself once people in all the other ministries have had their instructions, have a good sense of what the Legislature itself wants done with this bill. That, I think, is the important aspect in all of this.

I do not suggest that this bill is the be-all and end-all, but I do think it is probably the second or third step in a long, important process of letting this evolve, so that people will know they do have the right to get information about the government and how it works. They should also know at the same time that we have some obligations to protect some interests. For example, it would be silly to endanger a trade union local that is just starting up, by saying, "You can give out all the information as to who signed a card saying he wanted to belong to that bargaining unit." That would destroy the process and we know that.

We will get into some arguments later on where we face what perhaps are the classic conflicts of health information, for example. Sometimes there will be that conflict; one would like to protect all the information that is there, but the greater public good has to be served. And so we will have to find ways and means of doing both things at the same time, protecting the privacy of the individual and providing the public with information that it has a right to know.

We will have a debate later on, I think, on the amendment in the committee of the whole House put by the member for Carleton that kind of focuses that debate. We have had it several times and have had it again in committee.

I am concerned a little bit that there is one section of the act that ought to have an amendment put to it, so in committee of the whole, I will bring forward an amendment that has to do with reports and notes that are gathered by people who work in the field of conciliation and mediation, where it is my view that the act does provide pretty good confidentiality. But I would not want someone later on to say, "If that is what they really meant, why didn't they spell it out exactly?" So I am going to attempt to do that.

2010

I think the bill in its present form is a good model for a number of things; not for everything, certainly, but for a number of things where there is not quite the partisan nature to the task. A committee of this Legislature, consisting of representatives of all three parties, has worked for a fairly lengthy period of time now to try to get this bill ready.

We had some interesting discussions at the committee stage as to how we might proceed

from there, and I still want to put in a little pitch that, on occasions when the Legislature finds something like this that is not partisan in nature, where we want a bill to go to a legislative committee before it comes here and have the committee put something together in draft form, it would be a good, logical step to not have a minister of the crown bring the bill forward, but to let the chairman of the committee present it almost as a three-party bill. We discussed that and there are some procedural problems with it, but some day perhaps we can get it to the state around here where I think it is fair to say that all three parties on the committee at least wanted to do that; but it did not seem to be the most reasonable and rational way to proceed, because several rules would have had to be bent.

But the bill is a good one; the concept is a good one; it is one that I support. We have made some of the stupid mistakes that I have seen other jurisdictions make, and I know we all vowed that that would not happen here, but it did. At this stage I do not think it does any of us much good to weep and moan about all of that. We are human beings; we make mistakes. The best of intentions here do not always get translated into sensible things on the ground, out in a ministry office somewhere else. So we support the bill. We will look forward to a little bit more debate in committee of the whole and I commend the bill to all members of the assembly.

Mr Sterling: Bill 84 emanates out of the Freedom of Information and Protection of Privacy Act that we passed in this Legislature some three or four years ago. It really results from one of the sections of that bill; section 67 of that act says, "This act prevails over a confidentiality provision in any other act unless the other act specifically provides otherwise." As this comes into effect on 1 January 1990 and therefore it is important that we deal with this legislation before we get on to next year.

The problem is that when we talk about confidentiality as protected by some 90 different statutes and some 130 different provisions in this province, on 1 January 1990 all of those provisions in effect are wiped out for written records. Those confidentiality provisions will remain in effect to bind civil servants, keepers of confidentiality information, with regard to verbal communication over the telephone and they are therefore limited in some ways, and many of the sections, all save three, will live on past 1 January 1990 for verbal communications.

But as for the written record itself, those sections will become no longer functional and the

Freedom of Information and Protection of Privacy Act of 1987 will take over and replace it. One of the problems that I will be raising in committee of the whole House is how well the freedom of information act protects the privacy of individuals in this province. I will put forward arguments that, because of certain sections in that act, I do not believe that the freedom of information act protects the confidentiality of some of our records as well as the specific provisions in specific legislation that is in place at this time.

When we were considering this act, we put forward an amendment to section 23. Section 23 of this act gives really a tremendous amount of power to the Information and Privacy Commissioner for this province. The Information and Privacy Commissioner of the province of Ontario is more powerful as a privacy commissioner than any other individual appointed under any other act in any other jurisdiction that I know of. The freedom of information commissioner can, in effect, override all of the rules that are put forward in the act if in fact he determines, based on the fact that the exemptions do not apply, where there is compelling public interest in the disclosure of the record that clearly outweighs the purpose of the exemption.

So therefore, if I put forward an argument that health care legislation, is now protecting very sensitive information, such as information as to who or who does not have AIDS, or who or who does not have venereal diseases in this province, that information is now protected by a number of health care statutes.

This evening, if the bill is passed in its present form, those protections will no longer be there on 1 January 1990. The people who in the past have been supplying that information or if that information has been gathered about them, if they have had the protection of a number of health care statutes, no longer will have that protection. They will have only the protection of the Freedom of Information and Protection of Privacy Act to rely on.

Now you, Mr Speaker, and other members of this Legislature may argue about whether or not this statute provides them with adequate protection. We tried to make the argument, when we were passing this act, that the freedom of information officer should not be able to argue that it is in the public interest to disclose personal information. Unfortunately, the government of the day, supported by the then third party, the New Democratic Party, decided that the freedom of information officer, under section 23, should

have the unfettered discretion to release personal information if in fact he found—and the present commissioner is Mr Linden—that there was compelling public interest in the disclosure of a record and that it clearly outweighed the purpose of the personal interest exemption.

Therefore, during the committee of the whole House, I will be putting forward an amendment that will try to maintain the three most sensitive health care acts that, under our present laws, provide confidentiality protection until 31 December 1989. During the hearings of the standing committee on the Legislative Assembly, we heard the arguments put forward by the Ministry of Health that it believed the protections in this act were adequate.

I want to say that, in spite of the arguments put forward during those committee hearings, the recommendations of the standing committee on the Legislative Assembly of this Legislature were to keep in these three acts and allow them paramountcy over this particular act.

When Bill 84 was introduced, those three acts were not included. I might also point out that the standing committee on the Legislative Assembly, of course, is made up of six government members, two New Democratic members and two Progressive Conservative members. I believe that every member of that committee felt at that time that these three acts should remain in place and have paramountcy over the Freedom of Information and Protection of Privacy Act. So when Bill 84 was introduced in this Legislature some very short time ago, I believe last week or the week before, I was somewhat distressed to find that these three sections were not included, as was recommended by the standing committee on the Legislative Assembly.

2020

I guess I was further concerned that we in the Legislative Assembly committee accepted all of the recommendations of the Chairman of Management Board (Mr Elston) to include eight other override sections. The Legislative Assembly committee said, "Yes, we will accept those eight. We want these three more health statutes to also have the override so there would be a total of 11." But when you read Bill 84 there are 11 there, but there are three brand-new ones which were inserted at the discretion of the government and they include matters relating to labour disputes.

Quite frankly, when we were dealing with these matters, we went through all of the different statutes and the Legislative Assembly committee did not feel it was necessary to include those three labour statutes. Now I am not going to

take issue with adding those three labour statutes. I believe in erring on the side of caution in terms of allowing the freedom of information act override the specific sections of various different acts in this province.

But I do find it odd that while I am very aware of the sensitivities that go on with regard to labour organization and unions in this province, I believe that the sensitivity with regard to health information does not seem to have reached the same priority with the government as this other matter. Quite frankly, I do not buy it in terms of the priorities which I place on the various information that would be there.

I believe the government would argue, perhaps, that the freedom of information act provides better protection for the individual than the three health care acts. But I can only say to the government in response that at this time we do not seem to have had a problem with the confidentiality of health care records, save and except when the administration of those records was fouled up and we found some in the halls of Queen's Park and we found some in the garbage somewhere, etc. I believe all of those cases were cases of the people caring for those records not fulfilling their duties in a proper manner and there was no malice intended with regard to the release of that information.

The other part that I guess would weigh in favour of keeping these health care records with a paramountcy over this particular act would be the argument that is being put forward by the government at the present time that it is going to bring forward another act dealing with health care information. We have heard that for some period of time but that has not happened yet. I would like, quite frankly, for the people who are charged with these records at this time to go on under the same administrative structure as they have at this present time in dealing with those records, until the government does make up its mind as to the changes that it wants to undertake with regard to the sensitivity of health care information.

If the government had accepted, back in 1987, our wishes to exclude personal information from the possibility of the freedom of information and privacy commissioner having to say, or who has the right to say now, in spite of the fact that there are exemptions for privacy of personal information, I believe that there is a public interest in letting personal information out about certain individuals in this province, and that is the way I see it as an individual, then that can happen under our laws of Ontario. The order of the freedom of

information and privacy commissioner is indeed a very strong order. In fact, the Attorney General (Mr Scott), when talking in the standing committee on procedural affairs and agencies, boards and commissions on 25 March 1986, said:

"Some have suggested the bill should go further and provide a right of appeal to the courts on questions of fact and law whereby the court would be able to rehear the matter entirely and issue its own order as if it were the commissioner. To me, such an elaborate and costly right of appeal would do much to undermine the principles of accessibility and informality which are the hallmarks of the bill. The power of the government to appeal to the courts—and in the nature of the process, it would be the government that is appealing in most instances—could be very discouraging and mark an important economic disincentive to the citizens who desire to exercise their rights in the bill. I have confidence that the decisions of the commissioner will be fair and impartial and that there will be little need to resort to the expensive mechanism of a full appeal on the merits of the case."

Therefore, if the freedom of information and privacy commissioner makes a ruling which is completely illogical but is based on the facts of the case, then there is no appeal. Therefore, if he decides to release very damaging information about an individual, he alone has that right. That is what I was talking about in my opening remarks with regard to the Freedom of Information and Protection of Privacy Act and the power of the commissioner. The power of the commissioner in this province is greater than the power of the freedom of information and privacy commissioner in any other jurisdiction in the world.

I have no doubts about the ability of the present commissioner on the basis of his record over the past two years, in which we have just witnessed, I believe, his tremendous grasp of this legislation. However, we are never guaranteed that we will have the same kind of sanity and logic prevail for ever, especially when we leave the final decision up to one person.

Therefore, we will be supporting this bill, but we will also be supporting the recommendations of the standing committee on the Legislative Assembly, which sat in September and made recommendations to the Chairman of Management Board. We will be presenting amendments to the committee of the whole House to include what in fact that legislative committee wanted the minister to include in Bill 84, and that is an assurance to the people of Ontario that confiden-

tiality with regard to the very sensitive health matters will be retained within the statutes as it is today, because our experience has been that it has been adequate and it has protected the health care information of people in the province of Ontario.

Hon Mr Elston: I think that we have had a fairly good discussion to this point of all the issues which are at hand here. I know that the decision to address this particular piece of legislation, that is—I should not say this particular piece—the original act in a manner which was, as quoted by the member for Carleton, less formal and in a way which would allow people the greatest access to information is a hallmark that we wish to maintain.

The particular piece of legislation we have here, which addresses the issues of confidentiality, is going to cause, from time to time I think, differences of opinion and those things have been expressed in initial ways with respect to the three health acts, the Health Insurance Act, the Health Protection and Promotion Act and the Ontario Drug Benefit Act, by the member for Carleton. It actually comes down to a decision made with respect to some committee deliberations in which actually the Ministry of Health was not examined, although there were six other ministries in front of the committee, and the difference of opinion as expressed through correspondence to my office from the ministry representatives indicating that they would prefer to go with the provisions in the Freedom of Information and Protection of Privacy Act rather than retaining the amendments which the member for Carleton has spoken about to us this evening.

2030

I think the reflection on the amendment which the member for Oshawa will speak to will indicate the areas of difference of opinion as well, but those differences, I think, are matters of degree in the sense that I think we all have a sense that the bill as it is placed probably does cover the concerns in the greatest way possible. We will, though, be pleased to move into committee of the whole House so that we can discuss the issues more fully and I look forward to doing that right now.

The Chair: Mr Elston moved second reading of Bill 84, An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

**FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY
AMENDMENT ACT, 1989**

Consideration of Bill 84, An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions.

The Second Deputy Chair: Thank you for the table for Bill 84. Of course, we have been dealing with it in the House in second reading. We do have some amendments.

Hon Mr Elston: If it please the committee, may I move to the desk where the table is located and ask for staff to be on the floor?

The Second Deputy Chair: Yes, please.

Section 1 agreed to.

Section 2:

The Second Deputy Chair: I notice from the official opposition that there is an amendment to subsection 2(2). Should we be particular and ask if there are any concerns about subsection 2(1)? Carried? Subsection 2(2)?

Mr Breagh: The amendment that I am proposing is perhaps covered by the bill and perhaps not. I am putting an amendment tonight because some people who will be directly concerned by this are not as confident as some that the confidentiality provisions which they consider to be extremely important are not specifically laid out in the bill. So the argument basically is that the current act and the amendments that we are dealing with tonight will cover all cases that have to do with labour disputes and matters before the labour relations board.

The two areas where some concerns still remain are in the matter of information that might be held by people who would be functioning as mediators or conciliators, that reports, notes, information which they may have which I think it is generally agreed should be kept confidential, need to be specifically provided for in this act.

The Second Deputy Chair: Mr Breagh moves that paragraph 7 of subsection 67(3) of the act, as set out in subsection 2(2) of the bill, be amended by striking out "111(1)" and inserting in lieu thereof "111(1) and (2)."

Hon Mr Elston: We have discussed this a little bit prior to—in fact we have had a relatively good discussion privately, but under subsection 1(1) of the act that we dealt with a little bit earlier, the relevant clause (d) is as follows, "reveal information supplied to or the report of a conciliation officer, mediator, labour relations

officer or other person appointed to resolve a labour relations dispute."

The sense is, and the feeling is, that this in fact applies in the broadest sense to the labour relations, mediation and conciliation efforts performed by labour relations officers in the broadest sense, and in fact would cover the particular provision under subsection 111(2) as the amendment reads. We think that, in fact, because it is much broader in application, to move the amendment to affect only one particular section might end up causing concern that the section itself did not have that broad application and we might then have to seek after all of the mediation, conciliation reports that are in all of the statutes of the province of Ontario. This general provision, being in the act and being very explicit about mediators and conciliation officers' reports, we believe covers much more thoroughly the needs of the confidentiality of this particular provision than actually moving the amendment as brought forward by the member for Oshawa.

Motion negatived.

2040

The Second Deputy Chair: Mr Sterling moves that subsection 2(2) of the bill be amended by adding thereto:

"12. Subsection 44(1) of the Health Insurance Act

"13. Subsection 38(1) of the Health Protection and Promotion Act (1983)

"14. Subsection 13(1) of the Ontario Drug Benefit Act (1986)."

Mr Sterling: On second reading only a few moments ago I explained to the Legislature my concern with regard to these three acts. Under these three acts there is the possibility of the collection of a significant amount of information about the individual health records of many citizens in the province of Ontario. It includes such sensitive information that one might be able to discover who in fact has had various different kinds of communicable diseases, and I mentioned also those who might have been struck with AIDS. The Legislative Assembly committee, after hearing the arguments put forward by health care officials, said that it was satisfied that those three sections of the present legislation were better protection for the confidentiality of that information than the Freedom of Information and Protection of Privacy Act itself.

We know there are arguments on the other side of the issue, but notwithstanding that, the arguments that these three additional statutes should be added and given paramountcy over the

Freedom of Information and Protection of Privacy Act to protect the health care records of the citizens of Ontario were bought by the standing committee on the Legislative Assembly on the basis of that evidence. Therefore, I would urge the government to accept this amendment in the light that it was unanimously accepted by the standing committee on the Legislative Assembly.

Mr Breagh: This is again perhaps one of the classic arguments that you get into with a freedom of information and protection of privacy bill. There are some who would argue that the nature of the information makes it absolutely private and that in no form should that information change hands. In dealing with matters of public health, I guess the classic example is struck. Would we, as members of the assembly here, support the notion that, even if some agency of the government of Ontario had the information as to who attended some event at a hotel in downtown Toronto, even if it had the information of everybody who was there and somebody discovered that there was in fact a communicable disease present at that convention, or whatever it was, do we want to stand around and have an argument among several different government agencies as to whether you can release that information about the disease? Do you want to begin tracing those individuals as quickly as you can, or do you want to have an argument about it?

It is a judgement call, because there certainly are two clear sides to be taken here. I would say that reasonable people would fall on both sides of the argument: that there is a good case to be made that there should be absolute privacy, or, if there is not absolute privacy, that it should be a medical doctor or medical officer of health, or the head of a hospital, or the Minister of Health who would do the releasing of the information.

I think I could argue with just about as much conviction that I would like some consistency in this. I would like to see that the person who does release the information does so in a forum and a format and to a degree that has uniform application around Ontario, that is at least within the concept of the Freedom of Information and Protection of Privacy Act itself.

I guess, in my judgement on this, we would probably accept the arguments on both sides as being valid. But as a practical measure, I think I would like to see the consistency there. I would like to see, because it would normally be a health matter, that the person who was co-ordinating the release of the information, the one individual

who said yes or no, had some sense of what this Legislature would want done in that particular instance and some sense of the delicate nature of the information that is there, for example, and may not really release the information to the public at large. The purpose of a newspaper story may be valid, but it may not be. So the person would have to address, at that time, not whether this is sacred information or not, but whether there is a good argument that can be made that says, "Yes, it can be released, but in this form and in this way to these sources."

I think we have had this argument several times in committee and we are going to have it here again tonight. I disagree with my friend the member for Carleton somewhat, but I do not pose it as a stark argument with black and white. This is certainly one of those grey areas. I think perhaps if the previous amendment had carried, then to be consistent we probably would have supported this.

I want to put something on the record, because it is critical for this particular kind of amendment. It is not a matter of having faith in the current commissioner, because I have to remind myself that that individual, who is someone I know and trust, will not always be the commissioner in charge of these matters for ever and a day. That is not true.

But I do believe we have established the groundwork, the process, the way in which the information will be developed and released to the public at large. We are setting the precedents here, so it is my hope that 10 years from now, when we will still be arguing this particular matter, what we will have in place is a good consensus of how it ought to be done and a goodly number of precedents as to how you would go about it, and, where it is critical health information, have an appreciation on the part of the commissioner as to how you would do this: what would be the nature of the information, the amount of the information and how you would release it. That, I think, is the critical point.

I appreciate that the member for Carleton puts forth the argument well for his side of the argument. I understand that and I am sympathetic to it, but I do not find that we can support the amendment. I know that I would have preferred, frankly, if we had been true to the original process, that we simply put this to the standing committee on the Legislative Assembly and that that committee not only draft the bill for consideration but present the bill to the assembly here. Then I think we would have the kind of process that would be the best that I could think

of and then I think you might have what the member for Carleton wanted. But in its current way, I find that the amendment does not quite fit into what is being proposed here this evening and so we shall not support it.

Hon Mr Elston: Actually, I think the points that have been raised by both the member for Carleton and the member for Oshawa (Mr Breaugh) have really put quite well the arguments both for and against the amendment as proposed. I think what I should do, just for a moment, is reflect on a memo that came from David Corder, assistant deputy minister at the Ministry of Health, to Frank White, who is the director of the freedom of information and privacy branch at Management Board of Cabinet, wherein Mr Corder advises us that in light of the Hansard reports of the discussions in the committee he had gone back again and reviewed the confidentiality provisions in relation to these three particular statutes.

He had indicated in the correspondence that I have shared with my friend the member for Carleton that this has been a continuing and abiding issue at the Ministry of Health. They have reviewed it several times and actually came to discuss the issue with us at Management Board when we were initially making a report. They have, as a result of the committee report, revisited the issues and found that there are certain things that provide a degree of consistency on the release of information and, Mr Corder has concluded, indicate the superior nature, in their view, of the freedom of information regime.

He has indicated, for instance, that there are at least a couple of items—"criteria to be used by the head of an institution in deciding when information that is otherwise considered confidential may be released"—that are provided in this bill whereas they are not provided in the existing statutes. The right of the individual to challenge a decision of the head is also available because of the operation of the freedom of information act. Under the current regime there are certain legal avenues open if somebody disputes whether or not the information is available, but not the informal avenue which our act has contemplated, that is, the Freedom of Information and Protection of Privacy Act.

He goes on to indicate that "existing confidentiality provisions do not provide guidelines or criteria to be used by a manager, or other person of authority, when exercising his or her decision to release information....In addition, there is no mechanism for independent review of decisions....Another consideration in the exist-

ing statutory provision is the rigid definition of what information may be released; there is no provision for flexibility in releasing other necessary information, eg, release to the individual of personal clinical information."

I have edited slightly some of the remarks. I will make these notes available for Hansard so that they can follow them, but basically, in summary, he goes on to indicate that they would prefer that these statutes be subject to freedom of information, because there is a regime established. There is a mechanism for review by an outside person. There are criteria available to which people will have to resort for a review or an analysis of how their decision is to be taken. With that material in front of us, I think I therefore have to conclude it would be prudent in these circumstances to vote against the amendment.

2050

Mr Sterling: I would just like to say, in response to the member for Oshawa, that notwithstanding his analysis of the situation, I do not find that his example is relevant to these three statutes in terms of the information that we are talking about.

In terms of consistency, I believe we have been consistent in our party in saying that unless the government is absolutely certain it is going to improve the situation by allowing the freedom of information act to override the specific privacy sections which it has set up in the individual statutes, it does not do it.

I know the member for Oshawa was very supportive of the three additional exemptions or overrides that the minister added to this bill, and they included the three statutes, subsection 77(6) of the Colleges Collective Bargaining Act, subsection 51(1) of the Crown Employees Collective Bargaining Act, and subsection 111(1) of the Labour Relations Act.

It seems strange to me that the arguments that are put forward by him with regard to the three additional health care statutes and put forward by the minister could very well and as easily be put forward with regard to any one of those acts. I just think that when you deal with specific terms in a piece of legislation, your mind is turning to what kind of information you are dealing with within that specific section. Therefore, a general regime in trying to set out under what circumstances information should be disclosed or not disclosed cannot meet the same kind of regime that you set up in a very specific sense, as is the case in these three health care statutes.

When I was speaking in my opening remarks, I noticed the Chairman of Management Board nodding in agreement as a former Minister of Health that in this province we have not had problems with regard to the wholesale release of health information and that is under the old regime. I guess there is a little bit of "If it ain't broke, don't fix it," in what I am saying with regard to those three sections, particularly with regard to the fact that they are looking at revamping this whole area of law in the not-too-far-distant future.

I am very, very fearful of placing this kind of information under a new regime where there are general rules, where they are going to be dealing under the same kind of rules when you are talking about information about your driving record or your birth record or whatever it is with sensitive health care information. I think it is a mistake on the part of the government not to accept the recommendations of the standing committee on the Legislative Assembly that we put forward in our report to this assembly.

The Second Deputy Chair: All those in favour of the amendment will please say "aye."

All those against will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 2 agreed to.

Sections 3 to 6, inclusive, agreed to.

Section 7:

Mr Sterling: I just want to say before we leave Bill 84, which is an Act to amend the Freedom of Information and Privacy Act, that there are significant concerns about this act and how it is working in Ontario. I have talked to a number of people in the press and they are convinced now that they are receiving less information from this government than they were before this act was in place. The government is using the maximum time frames within this legislation to respond. They are extending on a regular basis every request that is made under the freedom of information act and acting in concert on a number of occasions to avoid giving information to not only members of this Legislature but also members of the press.

While we are expressing support for Bill 84 in its present form, we are only doing that in that it is a bill which is very limited in scope and dealing with an immediate problem that comes into effect on 1 January 1990. We are giving Bill 84 our support. We are not giving the present Freedom of Information and Protection of Privacy Act our

support in its present form and we think it is badly in need of amendment at this time.

Section 7 agreed to.

Bill ordered to be reported.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989

LOI DE 1989 SUR L'ACCÈS À L'INFORMATION MUNICIPALE ET LA PROTECTION DE LA VIE PRIVÉE

Consideration of Bill 49, An Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

Projet de loi 49, Loi prévoyant l'accès à l'information et la protection de la vie privée dans les municipalités et les conseils locaux.

Section 1 agreed to.

L'article 1 est adopté.

Section/article 2:

The Second Deputy Chair: Mr Sterling moves that subsection 2(1) of the bill be amended by adding thereto under the definition "institution" the following clause:

"(c) a police force."

The table has suggested an extra two copies. Do you have any further copies of your other further amendments? You do not. It has been discussed at the table before, and I would like to bring it to the attention of all members, that when putting amendments, we sure need copies. It disrupts the process of the House. Seven is preferable, if I remember the magic number. I know it is inconvenient, but if we could try to get in the habit of providing copies, it would make life a lot easier for all concerned in the running of the committee.

Mr Sterling: I apologize to the chair for not having those copies.

When we were having public hearings in front of the standing committee on administration of justice on this bill, we had several police forces and police commissions come in front of the committee. The problem relates to who is head of the police force and who is head of the commission. Really the desire there was that the police chief should be the head of the police force for purposes of the Freedom of Information and Protection of Privacy Act and the chairman of the police commission should be the head of the police commission and there should be two separate parties dealing with the information.

The argument that is put forward, and I believe is correct, is that under the present legislation it

says, "'institution' means...any agency, board, commission, corporation or other body designated as an institution in the regulations." What the police wanted was clearly two different bodies that were spelled out in the bill. My next amendment will deal with two separate heads, with regard to the police force and the police commission. At the present time, the police commission does not have access to files about individuals who are involved in police work. Therefore, to ask the chairman of the police commission to be involved in looking through files of people who are under investigation does not make sense. As I understand it, they now keep the records of the two bodies separate and apart. This amendment is put forward to clarify the distinction between the two so that people will not be going to the chairman of the police commission to find out whether or not the police are doing an investigation on them, their friends or whatever.

2100

The Second Deputy Chair: Copies are being made of the other amendments. It might be worthwhile if we had some discussion on this amendment. The honourable member for Oshawa.

Mr Breagh: I am always glad to assist the chair, as all members are.

I might be a little more amenable to this amendment and whatever else might come if somebody had given me notice of what was going to be proposed this evening. I do not mean to be punitive because somebody forgot to tell me what words he would put in front of us tonight, but I am reluctant to take on something on the spur of the moment that I am aware is sensitive and could cause a problem.

It would be my view and that of my party that we have no argument with police forces and police officers saying: "There are some things that cannot be a matter of public information. There are some matters where it is simply not suitable." It is true you can make them subject to a freedom of information act, but what will happen in a practical sense, for example, is that a police officer in the course of an investigation may choose to keep his or her own records—that is the way it is now; nobody can ever see those except perhaps a superior officer and they may at some point be used in either a criminal investigation or the laying of charges or a court case—but by and large, they are considered to be private notes.

I am intrigued by the notion—I was not able to sit through the committee process on this, but did

try to keep up on it—that once again the head of the police force, which is the other amendment that will come forward later, will be the one who makes the decision, at least the initial one, on whether something will be released. To tell the truth, I am not attracted to that notion. I know a number of police chiefs who are struggling with the notion that this act should apply to them in any sense at all. I disagree with that. I believe that it has to. It is not reasonable to say that police forces can conduct everything they do in private. This is a public police force, not a secret police force. I do not know of a police officer in the nation who wants it to be a secret police.

What I am a little concerned about is the practical problem, which I have seen operational in a number of other areas. If you make laws which say that everything you write down about somebody could become a public document—I have seen what happens to that—it really means, that the written document never gets made. It gets said. It gets transferred from one agency to another. It gets talked about a lot. But all they have to do is not be dumb enough to write it down some place. Of all the things I know about police officers in this province, it is that they are not dumb. If we write a law which says, "Whatever you write down, whatever you put in a notebook or in a file, will be subject to freedom of information," I know what will happen to all that information. It will never appear in writing. It will get transferred verbally. People will talk to one another on the telephone.

Some will make the argument which I would not care to make, that information known to a police officer has to be brought forward. I do not think it takes a great deal of intelligence to suggest that that is going to be very, very difficult for people to bring forward. I do not think it will happen in fact. I am not anxious to put on to police officers and police forces and the chief of police things which are not practical. Of all the things that a freedom of information act could do that would be nuts, it would be to say that a police officer cannot gather information, that police forces cannot exchange information and that the public has the right to every single scrap of information. I do not believe that for a minute. I do not believe the member for Carleton intends that to happen.

I am aware what is happening in some other jurisdictions where, to tell the truth, it makes no sense to me and I am not quite sure how it ever got to the state where an act of law which seemed eminently sensible to the legislators at the moment was subsequently turned against some-

body else that we thought probably did not need protection. We never contemplated that the information a police officer gathers during the course of an investigation in its rawest form is meant to be publicly documented. We operate, at least in the jurisdictions that I am aware of, with several sorting processes on the way through.

If officers are gathering street gossip, which is for many police officers a mainstay, they know they cannot go to court with gossip off the street; they have to gather information which is a little more solid than that. They have to gather things which eventually become evidence in a court, but without question it is the talk on the street that pointed them in the right direction and eventually got them the evidence they needed to get to court.

A lot of that information is never used because people do not swear to testimony when they are talking to somebody in a poolroom that this is the honest truth, and that is the reason why a police officer does not like to go into a courtroom with something that says, "I overheard a conversation in a pool hall which said this and we just believed that to be true and we went out arrested somebody." An officer who would do that would be rather dumb indeed. They know that may be the initial source of their information, but they have to do a lot of evidence-gathering before they get to a courtroom with it.

Perhaps I have not put the case for the member for Carleton's amendments very well tonight. If I had had more notice that the amendment was going to be proposed, I would have been a little kinder to him. But I do not agree with that concept. I would not agree that we ought to separate.

To be fair to him, I want to put the other side of the argument, because I think it does need to be put. If it turns out that the separation of information from a police commission from information that might be gathered by a police force—if that turns out to be the total way that it is done, in that simplistic form, I am going to be most unhappy. Frankly, I would see that to be a police commission operating in total contravention to the spirit of what is proposed in this act.

I accept the notion that a police chief is probably not the one that I would want to go to if I wanted to get written information from an officer on his force. I would like to have that separated a little bit. So I am attracted to the notion that it would be the police commission which would hear my appeal for information and that someone other than the officer who gathered the information, or his or her chief, would be the person who decided that appeal. What is being proposed in

this particular amendment, to be as polite as I can, is not the most appropriate way to go. I do not think we can support it.

Hon Mr Elston: Again, as the member for Carleton and others who were in the committee know, we did have a very good presentation by the chiefs of police. There was a position put forward wherein they wished to have the separation from the police commission, but it does speak to the issue of how far one determines the police commission should be removed from operations of the force. I know that, in terms of policy and otherwise, there is a fine line from which the commissioners do not want to depart on a day-to-day basis, in telling people how to ticket automobiles, or how they go about interviewing witnesses on the street or otherwise. In many ways the commission is in place because they are the public representatives in viewing what actually goes on in the community in policing. It provides the police force with general, overall direction.

In the case of this particular provision, a separation which is provided for the purposes of release of information would be seen, by me at least, to be an indication in some way that the commission was to relinquish at least some of its overall public mandate. The argument was put quite well. The member for Carleton was in the committee and heard the presentation, as I did. It was put in a manner which showed some of the balance that goes into the discussions that police officers have to undertake in the public interest to collect information. They want to be absolutely sure that their investigations are not going to be frustrated, just as the member for Carleton had indicated in his remarks, by somebody inappropriately releasing information about who was being interviewed.

2110

One might well understand the concern of the force when there is a new regime coming into place that talks about the public's right to know certain information about the way an institution in a municipality carries on its operations.

I believe in the commission and the commission's ability to make sound judgements. One has to make a decision at some point along the line of how much you want to limit the jurisdiction of a commission. One has to know how far you can go in making sure that they have the responsibility to carry out the mandate in the fullest sense. By moving into an area, the amendment moves us into an area where, in one way or another, you are saying indirectly that you do not believe the commission manages the

public interest in the best fashion possible. That is a judgement which we have to make. I know it is a very fine line.

It is the same type of discussion that we had during the discussions in committee of the whole on Bill 84. There is a balance. There is a line and at one point or another, we have to make judgements. With the support of people with whom we consulted at the Ministry of the Solicitor General, we have concluded that this separation, under this particular act, is not required.

If it is seen, however, that there is a need for genuine assistance or somehow a delegation of authority by the head to the police chief, it can occur. It is permissive, under our statute. This statute, which is a Municipal Freedom of Information and Protection of Privacy Act, is certainly parallel to the provincial act which governs the operation of release of information in the provincial context. I say it is parallel because, as members well know, we have had to change some of the terms so that the act applies to municipalities, to the boards and commissions and otherwise. Because their structures are not identical to the provincial one, we have gone to this separate statute.

This, I think, is an important issue which should be discussed, but overall I agree with my colleague the member for Oshawa and with the advice we have received from the Ministry of the Solicitor General. We will be voting against the amendment.

The Second Deputy Chair: Speaking to the amendment, the honourable member for Carleton.

Mr Sterling: I say to the member for Oshawa that I shared these amendments with his colleague, the member for Welland-Thorold, who sat on the committee some weeks ago. I had assumed that he might have passed them along to him.

The amendment I put forward after hearing police forces and police commissioners talk about it was an amendment that is there not only for reasons of confidentiality of investigations, but it is a matter of practicality. Many of the chairmen of our police commissions and police boards across the province of Ontario are not full-time commissioners. It depends on the size of the force. I would imagine, in the city of Toronto where you have a police force which is in excess in size of the Ontario Provincial Police and is the largest police force in the province of Ontario, that you do have a full-time commissioner.

I felt a genuine reluctance on the part of the police commission to want to dig into the investigation files of people who are being charged, of people who are involved in the criminal element of our society. An experience in some jurisdictions shows that one of the largest users of the freedom of information and privacy provision are those people who are involved in crime in those jurisdictions. In the United States, business is the largest user of freedom of information and privacy, and the second is the criminal element. So we can expect, when we extend this to some 40 or 50 municipal police forces, that there is going to be a significant number of requests by individuals for information about themselves. I think that will happen.

Under this bill, depending on whether or not a subsequent amendment which I am placing in front of this committee is accepted, there is not only a requirement that the police produce or not produce a document, but that they sever from that document information which may not be damaging in the eyes of the individuals involved. So who makes that decision? Do you have a commissioner or some bureaucrat sitting in a police commission's office, trying to make decisions about investigative reports as to whether they should be released or not released?

I find the attitude of this Solicitor General and his trust in our police force almost contemptible. It is exhibited in his lack of confidence in leaving this information within our police forces, but wanting to give it to another level of bureaucracy which does not want the information—this attack again tonight on our police forces across this province, by indicating their lack of trust in the chiefs to do this job; notwithstanding that, the police chief does not make the final decision.

If I am not satisfied that the police chief has made the proper decision in releasing information, the freedom of information commissioner can go in and look at those files. That is what this act is all about, the idea that you can check or question what the police are giving or not giving to you, so their information practices will become, as they become better acquainted with Bill 49, more regularized and that will happen.

I find it appalling that, when the police come forward—and some of the police commissions come forward with reasonable requests for practicality of dealing with this—that the government cannot even give them one little indication of trust in terms of dealing with criminal investigation reports. I think the public of Ontario have a hell of a lot more trust in the police than this government does.

The Second Deputy Chair: The honourable member for Carleton has certainly made his point. Is there any further discussion on the proposed amendment? Seeing none, the honourable member has proposed amendment to Bill 49.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Sections 1 and 2 agreed to.

Les articles 1 et 2 sont adoptés.

2120

Section/article 3:

The Second Deputy Chair: We have supplied the appropriate number of copies of amendments to those people who require them in chambers. Continuing then with the bill, it would appear there are no further amendments or discussions on any section up to clause 3(3)(b).

Casting my eyes about the chamber, giving full opportunity for discussion, seeing none, we have a proposed amendment to section 3, an addition of clause 3(3)(c).

Mr Sterling: That amendment was subsequent to the other amendment basically and therefore has no relevance. I wanted the police chief to be the head dealing with their information for a police force, but that has been rejected by the government and the Solicitor General.

The Second Deputy Chair: The honourable member has withdrawn the proposed amendment.

Section 3 agreed to.

L'article 3 est adopté.

Section/article 4:

The Second Deputy Chair: Shall subsection 4(1) carry? Carried.

Mr Sterling moves that subsection 4(2) of the bill be amended by striking out "one of the exemptions" in the last line, and adding thereto the following:

"Any one of the exemptions save and except subsection 8(1), clauses (d), (e), (f) and (g), and section 13."

Just before we get into a discussion, might I personally thank Hansard for being so responsive to myself in the chair and acknowledging those members through the chair when I do so.

Mr Sterling: This act is going to be enforced by a number of municipal police forces across the province. The section that I am referring to here deals with severing records. Subsection 4(2) now reads, "Where an institution receives a request

for access to a record...that contains information that falls within one of the exemptions under sections 6 to 15, the head shall disclose as much of the record as can reasonably be severed without disclosing the information that falls under one of the exemptions."

There were representations made to the committee by municipal police forces. They indicated that they thought there was a significant problem in severing certain kinds of documents. They wanted to be exempt from having to sever documents which they considered most sensitive. They would include documents, for instance, that would disclose the identity of a confidential source of information in respect of a law enforcement matter or disclosure information furnished only by the confidential source. They wanted to exclude the obligation of severing a document which could be expected to endanger the life or physical safety of a law enforcement officer or any other person. They wanted the right to exclude the obligation to sever a document which could deprive a person of the right to a fair trial or impartial adjudication. They wanted the same right with regard to a document which might interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons. They also did not want to have to sever a document under section 13 where the disclosure could reasonably be expected to seriously threaten the safety or health of an individual.

I forget how many municipal police forces we have in the province, but the problem that they saw with the widening of the freedom of information act to many police forces was that, in effect, the criminal element could make the same request to various municipal police forces across the province, and the OPP as well, and that there is no guarantee that one police force would know what the other was doing with regard to what is often commonly shared information. You could have, in the case of municipal police force A, a severing process which may not be identical to the severing processes of B, C, D, E, F, G, etc. It has been shown, in hearings in the United States, that informers have actually been discovered as a result of documents which have been revealed and which were thought to have been laundered, cleaned up, severed or whatever, and those people have been killed. That was given to a senatorial congressional committee, I believe, at one time.

The concern that the police have, of course, is always with their sources of information. If those sources of information are not protected proper-

ly, and if in fact the name of an informer who has supplied information gets out, then not only has that source dried up but other sources are dried up as well. This argument has been put forward before with regard to the generic legislation. It dealt with the OPP and this Legislature saw fit to include these sections when dealing with the OPP. I buy that, but I also say that there is a difference in that the OPP are a more sophisticated police force, they have more resources to sever these records. Therefore, I am putting forward this amendment on behalf of the police forces and would suggest that it is a reasonable suggestion to the government.

Mr Breagh: I think this particular discussion does point out one of the problems. Dealing with the matter in committee is perhaps more suited to this discussion than dealing with it here in committee of the whole House. I doubt that very many of the members in the chamber understood what the member for Carleton was talking about, let alone anybody who might be following the proceedings at home, because it is tough, very difficult to pick these items out of context and have a sensible discussion about them. I recognize that the member is certainly doing what is provided for in the standing orders when the government moves it back into committee of the whole House. We can in fact find ourselves doing all over again what has just been done in committee.

The argument is a difficult one, and I think it cuts two ways. I am not prepared to support the amendment for the simple reason that if there is a growing practice for police forces across Ontario to deal with matters of inquiries in different ways, we are all in deep trouble. That indeed has been the argument put forward by the member for Carleton, that the practical experience elsewhere has been that if you cannot get the information from one police force, ask some other force and then another one until you find one that is stupid enough to release that information. Then it does not matter where you got the information, you can use it.

I do not accept that argument. I have a little more faith perhaps in the police forces around Ontario than he is demonstrating. I think they will very quickly have a common technique for divulging information. I think they know how to pick up the telephone and talk to one another. I think they can appreciate what is sensitive information and what is not, what can be revealed and what cannot, and I believe that it will not take very long until there is a common set of practices throughout Ontario. As a matter of

fact, I would predict that the practical experience in Ontario will cut directly in the opposite direction. I think getting information out of police forces in Ontario is going to be very difficult. I would bet that in the next round of discussions about how this concept should apply to municipal government the more common practice in the discussion in the chamber will be to say that there is no information coming from police forces at all.

I appreciate that the argument and the nuance the member for Carleton is trying to put on this amendment are not to be sloughed off. There is validity in his argument, but it is certainly an uphill fight in this chamber this evening, with the private conversations that are going around. It would have been dealt with more appropriately, in my view, in a committee room where people had had the opportunity to hear all of the testimony and participate in that whole discussion on a day-to-day basis. I am not prepared to support the amendment.

2130

Hon Mr Elston: To the greatest extent possible, when we drafted this bill—because the original mandate to extend the freedom of information and protection of privacy legislation to the municipalities really fell to the original act that was passed—we tried to stay, as closely as possible, consistent with that original act.

This particular amendment which the member for Carleton views to be necessary would actually make it inconsistent with the requirements now placed on the Ontario Provincial Police. The amendment, as put, was actually considered in the provincial Legislature when we were considering the original act, as the member has rightly identified, and at that time it was decided to reject that particular provision.

We should note for the record as well that in the Quebec forum the Quebec Provincial Police are also required to sever, as are the Royal Canadian Mounted Police in the federal scheme of things. Each of those jurisdictions has wrestled with, as we are wrestling now, the same issue that we dealt with in 1987 and which we are again looking at this evening. We decided that we should require the best possible disclosure of information and give the people the right to sever the information which would cause harm.

There is no question that the people who appeared in front of us, basically the chiefs of police—there were no commissioners represented in our hearings, but the chiefs of police were represented—indicated, with some material which actually came out of congressional hear-

ings, I think, in the late 1970s, that there had been some problems in their jurisdictions where the discovery of an informant resulted in death.

The relevance of that material to our discussions, to the extent that their legislation looks anything like ours, and I am not sure that it does, merely brought us to weigh the two sides of the issue and find out whether or not the severance under the exemptions provided, sections 6 through 15, was sufficient to cover off any of the public interest and the public interest of not having informants discovered.

For my purposes, on balance, I am content to leave this act consistent with the requirements on the Ontario Provincial Police. Any of the other 119 forces, as I understand, in the province should also have a duty to make available as much as possible the information without sacrificing all the important functions they are involved in, such as law enforcement, investigation of complaints and otherwise. I think that our current act should be left unamended in this particular situation.

The Second Deputy Chair: All those in favour of the proposed amendment please say "aye."

All those against please say "nay."

In my opinion, the nays have it.

Motion negatived.

Section 4 agreed to.

L'article 4 est adopté.

Sections 5 to 44, inclusive, agreed to.

Les articles 5 à 44, inclusivement, sont adoptés.

Section/article 45:

The Second Deputy Chair: Mr Sterling moves that clause 45(1)(a) of the bill be amended by striking out "in excess of two hours" in the last line.

Mr Sterling: Under this act, there are sections, such as section 45, dealing with charges or fees that a municipality may charge someone who wants access to a record. I received a copy of a letter which I presume the member for Nepean (Mr Daigeler) received, but he has chosen not to introduce an amendment on the part of the city of Nepean. So I have taken on that task on behalf of the city, because he has refused to come to the Legislature and put forward their concerns. The city of Nepean writes as follows:

"The city of Nepean equally shares the province's concern for access to information and protection of individual privacy. The city supports the province's initiative in establishing

legislation which will ensure the public's right of access to information as well as the protection of personal information. Furthermore, the city supports the process for an independent review of decisions regarding access to the records. The city has always been forthcoming with information which affects the municipality's citizens. The access to information has been legislated as a right of the ratepayers via the Municipal Act for over 100 years.

"Having stated the city's support for the proposed legislation, it is critical that in a time of fiscal restraint, reduction in provincial transfer payments, limited areas available to municipalities for raising funds, it follows that municipalities should be given the latitude to establish associated fees.

"It has been mentioned by numerous provincial officials at various seminars on FOI that municipal regulations will be similar to regulations which govern the province's FOI legislation. The city of Nepean for some time has adopted a user-pay philosophy which is in conflict with the present provincial FOI regulations. Two examples of this conflict are cited: for manually searching for a record, after two hours have been spent normally searching, \$6 for each 15 minutes spent by any person; for preparing a record for disclosure including severing a part of the record under subsection 10(2) of the act, \$6 for each 15 minutes spent by any person.

"In a spirit of co-operation, the city of Nepean looks forward to the enactment of the proposed legislation. However, the province must allow municipalities to recover reasonable costs in order not to overburden an already critical financial situation."

What I am saying is that notwithstanding that in our bill, Bill 34, the freedom of information act for Ontario, we have a clause very similar to this—that is, we say that a citizen will only be charged for a search after two hours have elapsed to locate that record—I feel that if we are going to foist this new law upon our municipalities, it should be their political decision as to whether they are going to charge and how much they are going to charge. They should make those decisions if in fact they are going to have to provide that service.

I would expect that most of them would give out information in a manner which would not cost the citizens of their municipalities excessive amounts of money, but I do think that when the government is foisting a law upon the municipalities, it should give them the opportunity to put into place their own schedule of charges and we

should not foist upon them that they have to give out additional free services without giving them money in order to put this system in place. I have not heard that this provincial government is giving our municipalities, boards, commissions, school boards, etc., money to put this in place. That is the import of this particular amendment.

Mr Breagh: No, we will not support the amendment. I believe the honourable member is washing the hog tonight with a very stiff brush.

The Second Deputy Chair: I have yet to hear that terminology in the chair, but I am sure it will be forthcoming.

Hon Mr Elston: I will not be supporting the provision. Basically, the two-hour exemption time is designed to allow people to have a reasonable access to the records without having somebody using this as a revenue generating issue. I know that was not really what was meant by the letter, although it read that way to a certain extent.

What we are trying to do here is ensure that there is consistency throughout the province and that we have one particular amount of time available for a person, particularly a person looking for just a small amount of information, to go in and know that he is not going to be charged right from the word go and in some ways deterred from picking up the information he is looking for by this charge being generated.

2140

We discussed this around the province with the people, and to a large extent I think it was seen to be meritorious to actually implement the provisions that were in place for the province, the two-hour exemption for the first search efforts and then implement a charge fee after that, photocopying costs and other things similar in cost to the provincial circumstances. That being the case, we will not be supporting the amendment.

Mr Sterling: I would just like to ask the minister whether he will be giving any money to either the boards of education or the municipalities for the very substantial costs that some municipalities are going to incur in implementing this legislation. Is he going to be transferring any money specifically for this purpose?

Hon Mr Elston: It is a matter of public record about the generosity of the Treasurer with respect to the most recent transfer payments made to the municipalities.

When we were talking about this initiative, and actually received a number of pieces of correspondence from individual municipalities

and others, it was interesting to note that most were saying, "We, as a municipality,"—just as Nepean did—"did this anyway and we provided the information free before and we will continue to do so." The fact that we have made more formal what is happening and that progressive towns and cities like Nepean and other places who wrote to our attention, I think, would not seem to indicate that if they are already doing it, there would be any reason for a special allocation. But perhaps the member for Carleton would like at some stage to bring to the attention of our most generous Treasurer and the Minister of Municipal Affairs (Mr Sweeney) other concerns.

The Second Deputy Chair: All those in favour of the proposed amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Section 45 agreed to.

L'article 45 est adopté.

Sections 46 to 57, inclusive, agreed to.

Les articles 46 à 57, inclusivement, sont adoptés.

Bill ordered to be reported.

Le projet de loi devra faire l'objet d'un rapport.

MUNICIPAL FREEDOM OF INFORMATION STATUTE LAW AMENDMENT ACT, 1989

Consideration of Bill 52, An Act to amend certain Statutes of Ontario Consequent upon Enactment of the Municipal Freedom of Information and Protection and Privacy Act, 1989.

The Chair: At this point, I would like to list all proposed amendments. I have been told that we have not received any amendments. Just discussion, I presume. Correct? General discussion on the bill. The member for Carleton.

Mr Sterling: I put this bill in committee of the whole House with Bill 49 because they are twinned together, but I do not believe there are any amendments being put forward by any parties.

The Chair: Then you just want the bill to be reported. Agreed.

Agreed to.

Bill ordered to be reported.

The Chair: It is obviously the spirit of Christmas.

COMMERCIAL CONCENTRATION TAX ACT, 1989

Consideration of Bill 46, An Act to establish a Commercial Concentration Tax.

Hon Mr Mancini: Mr Chairman, with your permission I would like to move to the front and ask my officials to join me.

The Chair: Please go ahead. As we are settling in, are there any questions, comments, proposed amendments to any section, and if so, to which ones? I just want a list right now.

Ms Bryden: I would like to make the point that we fully dealt with all the amendments that have been tabled by all parties when this bill was in the standing committee on finance and economic affairs. It seems to me that it was a mistake to refer this bill back to the committee of the whole House when it was completed in that committee, and I think the opportunity should not be given to any party to bring more amendments after that stage had been reached.

It was the Liberal majority that moved this bill back into committee of the whole. I do not know whether they had more amendments up their sleeve that they wanted to bring, but they had already adopted 18 of their amendments and had defeated about four of the Progressive Conservative amendments. Our party had not put up any amendments because we felt this bill was so badly flawed that it should be just fully rejected as one of the worst taxes that has ever been imposed on the residents of Toronto and shows that the government does not believe in a fair tax system. It just believes in tax grabs, which are completely unthought through, which have not been looked at adequately as to the implications on the economy or on many important things like the business improvement districts and municipal parking lots, where the rates will just go up to tremendous levels.

The implications of the bill are such that it certainly should be sent right back, and they should look for other sources of revenue if they want to have revenue for building up the infrastructure and the transportation system. There is no guarantee that this bill will put one more penny into either the infrastructure or the transportation system, because it is not an earmarked tax. It is simply giving the Treasurer \$135 million, minimum, with an increasing amount every year, which he can put through the budget and get appropriations that will use it for whatever he wants.

Therefore, I think it is a bill that we should decide that we completed it in committee. The

government insisted on putting it through as it wished in the committee. Let's get on with other business which we have not completed rather than starting from scratch again on this bill through the mistake of sending this back to committee of the whole.

Mrs Marland: Actually, it is my understanding that we do have some amendments. I apologize for the fact that you do not have them at the table. I have sent for those amendments. They may not arrive in time.

The Chair: Do you have them with you?

Mrs Marland: No, I do not have them. I was not—

Hon Mr Mancini: Mr Chairman, I have no objection if the members of the opposition, particularly my critic from across the floor, want to move amendments. But she will have to consult with her colleague to her right to see if she will agree.

Mrs Marland: I guess I am complimented by the Minister of Revenue that I am now his critic. I think he just feels that way. I am actually not the critic for Revenue. However, I am concerned enough about Bill 46 that I will just in the interim make some comments on it and hope that by the time I have made them, the amendments will arrive.

The Chair: Your comments are welcome, but please, in the meantime, I presume somebody has gone to find those proposed amendments.

Mrs Marland: Yes.

The Chair: Thank you. The member for Beaches-Woodbine.

Ms Bryden: I do not think that we will consent. I know we will not consent to proceeding back to section 1 with this bill in considering amendments that were not before us when the bill was in committee, because the bill was completed in committee and it was to be reported out. The fact that it came back to the committee of the whole, as I say, should not have been done, and I do not think we should waste the time of the members of the House starting afresh on this bill. I am sure the member for Mississauga South knows that the amendments will not be passed, because in the past we have seen absolutely no changes in the bill from the government side. I think this is a waste of the House's time.

2150

The Chair: May I give my response to that? Any member has a right to send this back to committee of the whole, for one thing. It was decreed, I presume in committee, that it be sent

to committee of the whole. That seems to be correct. Hence, it is here.

Now, we have a procedure in committee of the whole. We start with section 1 and we work our way down, and if members want to oppose or vote against it, I am sorry, but I have a procedure to follow based on the standing orders. I do not have much of a choice with this.

Mr Philip: I wonder if I could ask your counsel on this while we are waiting for the amendments from the Conservatives. Would it be possible then for us to move an amendment to the title of the bill and simply call it "the dump on the greater Metropolitan Toronto taxpayer" bill instead of the present title of the bill?

Hon Mr Mancini: As usual, the member has been very intelligent with his comments.

The Chair: You may want to propose that at section 23.

Mr Philip: I will anxiously await section 23 then. I think I have made my point.

The Chair: After we do sections 1 to 22, of course.

Mrs Marland: Mr Chairman, I appreciate the ruling that you just made. I think that if our procedures were such that the member for Beaches-Woodbine just suggested, then the placement of any amendments in committee of the whole House would be an exercise in futility, because certainly we in the opposition know very well where any of these amendments are going, including the ones that the member for Beaches-Woodbine placed herself this afternoon on another bill, Bill 119.

We have no question in our minds where the amendments will go with a 94-seat, arrogant, Liberal government, but nevertheless we have a duty on behalf of the people we represent to try to get this legislation amended to be realistic and represent the wishes of the people in Ontario. I appreciate very much your adhering to the rules of the House. Thank you.

Mr Sterling: I think one of the reasons we have rules of the House which allow bills after they are in committees to come back to the Legislature is to give other members of the Legislature an opportunity to question the minister with regard to what he is trying to do with a piece of legislation and to put forward amendments, because there are many committees that sit at various times in this Legislature and we do not have an opportunity to sit in all of them.

I have a question of the minister with regard to this. I did have an opportunity to sit in committee

one day with regard to Bill 46, the Commercial Concentration Tax Act. The thing that struck me was that I was told, either in the committee or—I believe I heard Mr Lettner or one of the individuals from the Ministry of Revenue indicate that there were going to be 870—no, it was the member for Nepean (Mr Daigeler). He is here today now. I am glad to see he is here when we are dealing with the greater Toronto area, but when we were dealing with the city of Nepean, he was absent. Notwithstanding that, I want to ask the minister how this tax is to hit 870 various properties in the greater Toronto area. I think that was the approximate number. Is that correct?

Hon Mr Mancini: First of all, I do not think it is appropriate for members to question why members of one party or another were present or not present. I can say to all members of this House that my parliamentary assistant serves the Ministry of Revenue and his constituents in a very fine manner, and he is always available when he is needed. I do not think the comments from the member across the floor were adequate or were, in fact—actually, I am surprised that a gentleman like himself would make such comments.

We have approximately anywhere from 800 to 1,000 properties that are going to be assessed, I believe, under the commercial concentration tax.

Mr Sterling: I am interested in this in that one of the submissions that I heard in front of the committee when I was there was by a number of developers. They were very interested in finding out how the definitions of the statute were going to be put in place, because they made it quite clear to the committee that developers were going to make their plans with regard to future developments on the basis of trying to get around this law. In other words, as I understand the law now, if I own a property that has 199,999 square feet, I believe it is, I am not taxed under this tax, but if I have a property which has one square foot more, then I am taxed that way. I heard the developers talking about how they were going to avoid this by either splitting their property—by various legal techniques. Does the minister really believe that he can make this tax stick?

Hon Mr Mancini: The honourable member opposite is correct, anything under 200,000 square feet is, in fact, not taxed. If you are at 199,999, you pay zero; if you are at 200,001, you pay \$1. I highly doubt that people in business would go to the extent that the honourable member has suggested to avoid \$1 in tax.

Mr Sterling: Avoiding \$200,000 in tax. I guess the other thing I would ask the minister is

that no doubt he has had some legal opinion as to the constitutionality of this particular section. I would like to hear his remarks on that, because our Constitution now provides that you have to be fair to various people who are dealing with laws of Ontario.

Hon Mrs Caplan: It is very fair.

Mr Sterling: The Minister of Health says it is very fair. I would like to ask the Minister of Revenue, and maybe the Minister of Health does not agree, but I do not see that it is eminently fair that if I am part of a property which has 200,000 square feet and I am in a shopping plaza or whatever and I have a store with 10,000 square feet and the fellow who is in the same business across the road happens to be in an overall conglomerate which has only 100,000 square feet in that shopping centre, I am obviously being put at a disadvantage in that I am having to pay out \$10,000 a year more in tax.

Under our Constitution it says that we have to treat people equally and fairly in what we do and when we make laws. I would like to know whether or not the minister has a legal opinion as to the constitutionality of Bill 46 and how he justifies the fact that he is taxing one business one way and across the street he could be taxing the same kind of business in very similar circumstances in another way.

Hon Mr Mancini: I do not believe there are any problems with the constitutionality of this particular piece of legislation, but I am sure that the honourable member could probably find one lawyer in the province who would think so. Be that as it may, that does not necessarily make the legislation unconstitutional.

I want to address a specific point that the honourable member made. He said that if different stores were in a certain particular mall, smaller stores in the mall would be exempt—I believe that is how he put it—from the tax, and the bigger stores would not be. It is the mall owner that is taxed. If the mall itself is over 200,000 square feet—I believe that is correct—then the mall owner is the one who is sent the bill and not the individual store operators who happen to be in the mall.

2200

The question of constitutionality, just to get back to that for a second, is a question that is, I guess, raised on every point of law today. Whether or not it is valid, I have received legal advice and we believe that the matter is in fact in order and we are going to proceed.

We have in fact tried to inform the general community of what we are doing. I understand that in the near future we will be having some open houses and we will be meeting with the people who are being assessed in groups or individually, if that need be the case, and we want to render all service possible to the owners of these properties so that they will in fact know how to handle this piece of legislation and know how to respond when they receive their assessments.

There will be also be a provision for appeals. The honourable member, I think, will be happy with that. People will be able to appeal. We have taken into consideration research and development and individual firms and corporations that in fact engage in legitimate research and development. That particular portion of the building being used for research and development will be exempt. We have added a number of other important clarifications to the bill. We did that through the committee stage, which I found to be quite helpful. So I think we have before us at this time a pretty fair piece of legislation. It is, in fact, going to serve the people of the greater Toronto area very well.

Mr Chairman, with your permission, I am not sure that my colleague has her amendments ready, but if she does, I can always give this information to the House later. If she does not, I can give this information to the House now. I am at your disposal.

The Chair: The member for Mississauga South.

Mrs Marland: I think I will just wait.

Mr Sterling: I would like to get back to the minister and get some answers, because he is not answering my questions. He is trying to confuse the situation, of course, as we exhibited yesterday in this Legislature when he was asked about Bill 47. Has he got a constitutional opinion on this bill?

Hon Mr Mancini: I believe I answered that question two or three times. The answer was yes. In our view, the bill is constitutional.

Mr Sterling: Would he share that opinion with us so that I can have an opportunity to look at it, because I understand that at this very present time there are certain forces within this city that are already moving to the courts to challenge this legislation, or are planning to.

Mr Laughren: Name names.

Hon Mr Mancini: I have forgotten the member's question. My friend the member for

Nickel Belt (Mr Laughren) wants me to name names. Whose name do you want me to name?

Mr Laughren: I want him to name names.

Hon Mr Mancini: Okay. I think you should name some names then. The bill is constitutional.

The Chair: May I suggest to members to address all their remarks through the Speaker, third person, singular.

Mr Sterling: Mr Chairman, through you, I would like to ask the minister, will he give me the legal opinion that he has that this meets the challenges that may be placed under the Charter of Rights and Freedoms in the country? I do not think we should pass laws here where there seems to be an obvious unfairness when dealing with one property owner versus another property owner. If you are going to implement a tax, then you should make the choice that you are going to collect a certain amount of money and then you should tax all those people within that class of property in a fair and equal manner. That is not what this law does. Therefore, I would like to see what the minister's constitutional opinion says.

Hon Mr Mancini: Mr Chairman, I will address you, even though I prefer to look at my friend. I would say to him that we discuss all these bills within the ministry before we bring them to the House and we discuss whether or not they are constitutional. I put that question to the director of my legal services branch, and the answer was, "Yes, in our view the bill is constitutional." I am sure there must have been some discussion within the Ministry of the Attorney General along the same lines. We are very confident that the bill is constitutional.

My friend the member for Nickel Belt is sending me some threatening notes, and all I have done this evening is try to answer each and every one of his questions. We are very confident that we can proceed and move forward with this bill. We would like to deal with the amendments of the honourable member, if she has them, and proceed.

Mr Sterling: Will the minister table the legal opinion that says that this bill meets a challenge under the Charter of Rights and Freedoms, our Constitution? That is my question to the minister.

Hon Mr Mancini: Just in case I did not make myself clear, all legal aspects of our bills within the Ministry of Revenue are checked as a matter of routine business by ministry counsel, plus there is a doublecheck by the staff of the Attorney General's office, plus legislative counsel and court actions will be defended if any are taken.

That is the best advice I can give the honourable member at this time.

Mr Sterling: Mr Chairman, I think that if you check Hansard, you will see that I asked whether or not there was a legal opinion, and the answer that I thought I heard the minister say was that there was a legal opinion. I am asking him whether or not he will table that in the Legislature.

Mr Daigeler: He just gave it to you.

Mr Sterling: I think that deserves a yes or no answer.

Hon Mrs Caplan: He read it into the record. I heard him.

Mr Sterling: I am sorry, I did not hear him.

The Chair: Fair enough. Any member may choose not to respond if he does not want to respond. I have no power to force him to respond.

Mr Sterling: What kind of arrogance do we have in this government? I ask a simple question. Yes or no?

Hon Mr Mancini: In order to prevent my friend across the floor from getting too carried away, if he will check Hansard, he will see that I have answered his question on three separate occasions. You sitting in your chair, Mr Chairman, heard those answers, I am sure, and all the other members in the House heard the answers. So if the honourable member wants to give his colleague more time to get her amendments ready, I am willing to discuss other parts of the bill that concern him or his particular party. Frankly, asking the same question, when he has had an answer to it, does not look well on my friend.

Mr Sterling: I am sorry, I did not hear him. My hearing is bad. I did not hear him, but the question is, will he table the legal opinion as to the constitutionality of Bill 46? I am sorry I did not hear him. My hearing is bad. I would like to hear it again.

Hon Mr Mancini: All legal aspects of all of our bills are checked as a matter of routine business by our ministry counsel, plus double-checked by staff of the Ministry of the Attorney General, plus legislative counsel, and court actions will be defended in the usual way if any are taken. That is the specific answer to the member's question. As a lawyer, he should have had that figured out by now.

2210

Mr Sterling: I find it amusingly silly that the Minister of Revenue will not answer a simple,

direct question. Will he table the legal opinion as to the constitutionality of this bill?

Mr Laughren: Sounds reasonable.

Mr Sterling: It sounds reasonable, not only to members of my caucus but to the member for Nickel Belt. If it sounds reasonable to him, it has to be reasonable.

Do members know how silly this is? It is that he has a very good reason for saying no to me because he has every right, as a minister of the crown, to say no. "That is a solicitor-client privilege that I have and therefore you are not entitled to that." That is what he should have said about 15 minutes ago.

Hon Mr Mancini: I have never hired the member opposite to be my legal counsel. I have much better legal counsel who serve me every day.

The Chair: Who would want to be the next person to speak? The member for Mississauga South.

Mrs Marland: Thank you. Was the minister trying to raise a point of order?

Mr Laughren: These night sittings are a great idea.

Mrs Marland: I think the problem with night sittings is that everybody gets a little silly and they do not take the matters before us seriously. The questions that my colleague the member for Carleton was asking were serious questions and they deserved a serious answer from the Minister of Revenue.

The Progressive Conservative amendments, in fact, number two and we are having copies of those made now. My friend and colleague the member for Markham (Mr Cousens), who dealt with these motions in committee, will be helping us to place them and to speak to them as we go through the bill.

However, before we start to go through the bill, I want to read into the record something I was not able to read into the record at second reading. At second reading I spoke at length against this Bill 46, which establishes the commercial concentration tax. In layman's language it means that those people who live and try to do work and business in the greater Toronto area are being penalized once more. If they are tenants or owners of commercial space in excess of 200,000 square feet, this bill will penalize them.

In the initial year of the bill, it penalizes them \$1 per square foot. We have no idea how much that penalty will be in subsequent years. We do know, however, that the 200,000 square feet is

an arbitrary figure. We do not know why it was established at 200,000 square feet. We do not know why this Liberal government is opposed to helping the economic growth in the greater Toronto area thrive, how the Liberal government can have the blinkers that it has on to the degree that it does not recognize that the economic growth in this province is driven by the thrust of the success of business and commerce in the greater Toronto area, and this government continues to penalize people who do live and work and do business in the greater Toronto area.

Another example would be the legislation that increased the fee for personal driving licenses and motor vehicle driving permits. It is ironic that this government, which continues to tax, tax, tax, cannot see that ultimately what it is doing is strangling business and commerce in the greater Toronto area.

This is a letter from Mayor Hazel McCallion, dated 11 October 1989. She copied all the members of the provincial Parliament in the city of Mississauga, and I want to read this letter into the record.

"I am writing further to the announcement in the 1989 provincial budget of a levy to be instituted upon high-density commercial development within the greater Toronto area; the levy being designed to reflect the strategy that 'those who benefit significantly and directly from the provision of new public infrastructure will be required to make a greater contribution to the costs of that infrastructure.'

"There is a critical need for infrastructure development and improvement within the greater Toronto area and we wish to ensure that additional funding raised through this levy is utilized for that purpose. The benefits of the additional revenue to be raised by this levy are recognized, despite the levy representing an incursion into the traditional municipal revenue field of property taxation. The original announcement of the levy within the provincial budget indicated that exemptions to the levy were to be granted to 'parallel exemptions defined in the Assessment Act and associated private acts.'

"With the introduction of Bill 46"—

The Chair: Point of order?

Mrs Sullivan: On a point of order, Mr Chairman: I have been listening with great interest to the remarks from the member for Mississauga South, and under the standing orders, I understand that we are being indulgent in waiting for amendments, although in my own view, too indulgent. But we are being indulgent. But I wonder if we could clarify whether the

member is speaking to amendments, whether she is speaking to section 1 of the bill—in fact, what indeed is she doing?

The Chair: That is not a point of order. I do have the amendments now, but if you want to continue your comments, go ahead.

Mrs Marland: Thank you, Mr Chairman. I am sorry the member for Halton Centre does not understand the rules of order, which permit me to make opening comments on this bill. That is purely what I am doing.

“With the introduction of Bill 46,” as I continue to read the letter from Mayor Hazel McCallion, “in the Ontario Legislature, which would require the payment of the commercial concentration tax on commercial parking lots operated by a municipality or local board, and as this represents a departure from the long-established principle that property owned by a municipality and used for its purposes is exempt from taxation at the provincial level, and results in an unfair tax burden on municipalities, our council has passed resolution 473-89 at its meeting of Tuesday 10 October 1989.

“Resolution 473-89 cites that the council of the corporation of Mississauga opposes the enactment of section 43 of Bill 46, An Act to establish a Commercial Concentration Tax, which imposes the tax on commercial parking lots operated by a municipality or local board, and requests that funds raised through the commercial concentration tax be set aside in a special fund for use in financing additional transportation infrastructure improvements in the greater Toronto area.

“I have also written to the attention of the Honourable Robert F. Nixon, Deputy Premier, Treasurer of Ontario and Minister of Economics, and the Honourable Remo Mancini, Minister of Revenue, in this regard, as well as the other members of Parliament representing the city of Mississauga.”

It is signed “Mayor Hazel McCallion.”

It is significant to know that this letter explains in black and white how this government has again betrayed the people of Ontario. This letter is dealing with the matter of Bill 46 and the commercial concentration tax only in Mississauga, but it is the same in all the municipalities within the greater Toronto area. It is the same penalty on those municipalities as it is on Mississauga; therefore, it is the same penalty on the property taxpayers in those municipalities.

And, as Mayor Hazel McCallion says, it is the first time that the provincial government has reached right over into the pockets of the

property taxpayers for more money. They are not satisfied in this Liberal government to take taxation in the normal route through normal provincial channels. They are now getting into property taxation opportunities through the municipalities.

2220

The fact that in the provincial budget speech it was promised that there would be exemptions to this levy, I have to ask the Minister of Revenue the question, since in the budget speech it said that exemptions to the levy were to be granted to parallel the existing exemptions defined in the Assessment Act and the associated private acts, why is that exemption not being granted to municipalities and, therefore, to the property taxpayers in the greater Toronto area?

Hon Mr Mancini: I would like to take a moment or two to explain to the House and to the people who are watching this evening exactly what the commercial concentration tax will be used for. It will be used for the rebuilding and expanding of the infrastructure in the greater Toronto region so that this region can continue to grow and expand and not be choked by growth.

I want to take this opportunity to say that we are in fact doing exactly what Mayor McCallion has asked us to do and, as a matter of fact, a lot more. For example, over the next five years the government of Ontario will be spending \$1.240 billion in the greater Toronto area.

On the provincial highway system we will be spending \$625 million. Examples of our work in this area will be Highway 407 from Airport Road to Warden Avenue, \$292 million; Highway 401, Mavis Road west and Brock Road east, \$147 million; Highway 403 from the Queen Elizabeth Way to Trafalgar Road, \$117 million; the provincial transit system will get a \$400-million boost; rolling stock of 60 bilevel cars and 14 locomotives, \$129 million; Union Station improvements, \$58 million; service improvements at Milton, Stouffville, Richmond Hill and Georgetown, \$65 million; the local municipal roads, a full \$65 million will be allocated to that area; examples are Oakville, Upper Middle Road, \$12.5 million; in the Metro-Durham area, Steeles Avenue and Taunton Road, \$19.2 million; in Peel some work on Highway 410 to Airport Road, \$9.5 million; the municipal transit system will be improved by \$150 million; examples are the Yonge-University and Spadina subway capacity improvements, \$38.5 million; 25 streetcars for \$41.6 million; the Sheppard station, Yonge subway upgrading, etc, another \$29 million.

So you see, while we will be collecting in the neighbourhood of \$120 million a year for five years, we will in fact be adding more than double that to the infrastructure of the greater Toronto area so that we can continue to grow; so that economic prosperity can continue; so that this great region in North America will in fact not be choked by growth, but will be able to expand and be able to deliver to its citizens a system and an infrastructure which all of us can use in a reasonable way.

The Chair: May I remind the member for Mississauga South that I have now received the two proposed amendments to the two sections and I would like to proceed with them at the earliest convenience. May I remind her of that?

Mrs Marland: Yes, and I respect that, Mr Chairman, but I just want to get one thing clear with this Minister of Revenue. I have asked you a question on behalf—

The Chair: Order, please. Please address all of your remarks through the chair.

Mrs Marland: I am sorry, Mr Chairman.

The Chair: Third person. Thank you.

Mrs Marland: I have asked this Minister of Revenue a question. I have asked it on behalf of the ninth largest city in Canada, which happens to be in the greater Toronto area. I asked him why his government has betrayed the people of this province by backing down on a promise that it made when the establishment of a commercial concentration tax was announced in the provincial budget.

I say with respect that I know that the minister can hear. So would he please tell the people of Mississauga and the other municipalities in the greater Toronto area why something which was announced in the provincial budget, that exemptions to the levy would be granted, now those exemptions are not being granted. This means that municipalities are going to be paying this commercial concentration tax on their parking lots. School boards are going to be paying it on their parking lots. These are two institutions, the municipalities and the school boards, who depend on the provincial government for transfer payments. It is backwards financing, on the one hand, to tax them and then, on the other hand, when they come to the province for money in the form of transfer payments you may or may not be compensating them for that amount.

I ask you again Mr Minister not to stand up and tell me a list of the projects that you are funding because that was not the question and I certainly

would hope with all the money that you have that you are funding some projects—

The Chair: Order, please.

Mrs Marland: Would you please answer the question Mr Minister as to why you are not granting the exemptions as announced in the provincial budget?

The Chair: Before you answer; third person singular, through the chair, all the time; never second person singular.

Mrs Marland: Mr Chairman.

The Chair: Yes, madam.

Mrs Marland: Is it possible that the Minister of Revenue, for once in the last two days, could answer a question that he is asked? The public in this province has a right to know. This taxation is going to affect thousands and thousands of people. They have a right to know why this government has backed down on a promise made in its budget announcement so few months ago.

Hon Mr Mancini: Anyone who has been watching the proceedings for the last two days would know that I have answered each and every question thoroughly. I have put the facts on the record. They can be read and reread by picking up Hansard and they can be watched on television.

If anyone has watched this evening, they will see that my honourable colleague came to the House this evening without her amendments. We showed quite a bit of tolerance. Mr Chairman, you allowed quite a bit of leeway. We discussed a number of things. We waited for her amendments. Her amendments have finally come. She asked me about infrastructure. She read a letter from Mayor McCallion. She said the mayor of Mississauga wanted us to spend this money on infrastructure. I read into the public record that infrastructure is exactly where this money would be spent. As a matter of fact, I indicated to the House that far more would be spent on improving the infrastructure than this particular tax would raise.

I have a concern that maybe the honourable member has not read the legislation as carefully as she could have. She was also, I believe, involved in some of the committee hearings that took place before this evening. She should know—

Mrs Marland: On a point of order, Mr Chairman.

Mr Ballinger: You had your turn, Margaret.

The Chair: The member for Mississauga South has a point of order?

2230

Mrs Marland: Mr Chairman, I have the same right to raise a point of order as the member for Halton Centre (Mrs Sullivan) did previously. This is two days in a row now that this minister has stood in this House and said things that were factually incorrect about what I have done or what I have said. I did not attend committee meetings dealing with Bill 46 and I think the record should be corrected. Yesterday he said I was in favour of OHIP premiums and a number of other things. He said I spoke in favour—

The Chair: That is not a point of order.

Mrs Marland: —of the goods and services tax, which I did not. I think it is time, if this minister is speaking, that he did a little more correct research.

The Chair: That is a point of information.

Hon Mr Mancini: On a point of order, Mr Chair: Last time I checked, the Conservatives were in favour of the goods and services tax. That is what I am led to believe.

Mr Cousens: We do not want to get into this. We have to deal with your bills. Let's get on with them.

The Chair: Good point.

Hon Mr Mancini: We have been waiting to deal with this bill; we have been waiting for amendments to come.

Mr Chairman, I want to say to you that Conservative Party members have been briefed by staff from the Ministry of Revenue at their convenience. We have held committee meetings and I know that the honourable member opposite has been substituting on some days and some days maybe not. But certainly her party should be well aware of the contents of this particular piece of legislation and she should know by now that unless the municipalities and/or the school boards are using their parking lots and making them available to the general public and charging fees, unless they are doing those things then their parking lots are exempt from the commercial concentration tax.

That was made plain many, many weeks ago. It was made plain in my boardroom at the Ministry of Revenue offices. It was made plain in the committee and it was made plain to anyone who took time to read the legislation. If you turn to page 4, subsection 4(3) is very clear. If you read the legislation, it is very clear. It says: "Land that is exempt from taxes for municipal and school purposes by any other act is exempt from tax under this act, other than a commercial

parking lot operated by a municipality or local board as defined in the Municipal Affairs Act."

The honourable members must read the act and must review what has been said and not get up on a continual basis and say that their questions have not been answered, because the exact opposite is true. We are spending the money on infrastructure far greater than we are taking in. We have exempted the school boards and the municipalities whose parking lots are not being used for commercial purposes. These are all facts. These facts have been known for a long, long time.

Mr Cousens: I would like to move an amendment. If we could go to the bill itself. I have no amendments—

The Chair: Will you be moving these sections?

Mr Cousens: Yes, I will. I would like to do them seriatim, the first one on section 4, if I may.

The Chair: Before you take—

Mr Cousens: Okay, let's just get into it because I just want to deal with it. That is what the minister has been trying to talk about.

The Chair: Fair enough. Since the only two proposed amendments that I received are to section 4 and the new section 22a, in that case, do sections 1 and 3 carry?

Sections 1 to 3, inclusive, agreed to.

Section 4:

The Chair: Mr Cousens moves that section 4 of the bill be amended by adding thereto the following subsection:

"4(5) Land that is owned or operated as a parking lot by a transit authority, a municipality, or a municipal parking authority is exempt from tax under this act."

Mr Cousens: When the committee was reviewing this I had the pleasure of hearing at least a couple of presentations and would like to tie in my rationale and the rationale of our party for this motion.

First of all, I would like to compliment the member for Mississauga South (Mrs Marland). Seven years of experience on municipal council has given her the breadth of experience that assists her in understanding the needs of a local municipality on the tax structure and impact that this bill is going to have on a local municipality. It is with that intent that we have drafted this amendment that would exempt municipalities from this tax, especially if they are acting as a parking lot and they have some costs associated with it.

One of the presentations made to our standing committee on finance and economic affairs back on 23 November was by the Parking Authority of Toronto. It is quite unusual that an authority that reports to a regional municipality would come and make the presentation they made, but they indicated the impact that this tax is going to have on parking in the greater Toronto area. I would like to read into the record just a couple of paragraphs from a very long report. I will not read the whole report, but I would like to have it as part of the record.

"At the proposed rate of \$1 a square foot, the tax on our municipal parking spaces will be in the order of \$5 million for the Parking Authority of Toronto. In order to pay that tax and maintain our present level of service, our overall revenues will have to increase by 17 per cent, but the majority of parking lots cannot sustain an increase in rates without actually increasing losses because we will drive parkers away. The reality is that just 22 of our lots, essentially in the centre of Toronto, will have to bear the burden of the levy. Hence, we shall have to increase rates by 35 to 40 per cent in the downtown core. If we have to add the planned nine per cent federal goods and services tax in the future and also adjust for inflation, we shall be compelled to increase our parking fees by two thirds in the central area in a little over two years."

It has already started to happen. People who were paying, until recently, under \$10 for parking fees in the greater Toronto area in downtown Toronto have now found it is over \$20 when going to municipal parking lots.

An hon member: That is for 24 hours.

Mr Cousens: No, it is not. That is just within an eight-hour day. What has happened is that the rates have almost doubled and that is because the city is now getting ready for the collection of this tax.

I would like to also say, because the minister is on the record in this House this evening saying something in which he is totally incorrect, that I think he was ill advised, or at least I would appreciate his withdrawing it when he does respond at the appropriate time to this bill. Our party is a provincial party and we are not in favour of the federal goods and services tax as it is being proposed. We have made a number of suggestions to the federal Finance minister. It has nothing to do with this bill and yet the minister has brought it in. I would like to just tie it in here. We are not in favour of that GST, as it is known, and would like him at least to be clear and honest in his comments on it. I take it as an offence that a

minister of the crown would come along and make statements that he knows to be incorrect.

Let me go on and read further from the presentation that was made by The Parking Authority of Toronto. "The parking authority establishes parking facilities for the long term and these are meant to complement the city's transportation objectives."

If there is anything that is beginning to be a major issue in the downtown core of Toronto it is the shortage of parking spots. I know a few of the favourite places I like to visit, those old parking lots that I used to like to use and go to are there no longer; they have been replaced by buildings. They are not building additional parking spaces in order to accommodate the number of people coming into the downtown core.

2240

He goes on to give us an illustration of the negative impact that is going to be felt by The Parking Authority of Toronto because of the tax they are going to have to pay. Here is one level of government taxing another level. He goes on to give us an illustration which I would like to repeat for the benefit of this House and for the record. The presentation went on to say:

"I must tell you, in that connection, we are currently considering the redevelopment of one of our surface lots to a garage in a vibrant retail strip in the northwest corner of the city. Notwithstanding that this project has a negative net present value of \$840,000, the commercial concentration tax would increase this loss by over \$400,000 for a total net present value of negative \$1,250,000. I very much doubt that this facility will now be built. This is but one example of how the commercial concentration tax will inhibit and indeed preclude us from providing a service to meet the shortfall in parking-deficient areas, which historically the Parking Authority of Toronto was created to do."

It is on the record that here is the Parking Authority of Toronto living within its means, not being profitable, providing a service for the transportation systems in the greater Toronto area, knowing how urgent it is that we have parking spaces where people can leave their cars and then use public transit and go shopping. What we are going to do is discourage enterprise and commerce in the greater Toronto area by not making it interesting and attractive for people to want to park their vehicles.

The presentation that was made by the Parking Authority of Toronto said in conclusion, "The Parking Authority of Toronto respectfully requests your committee to exempt municipal

parking facilities from Bill 46, the commercial concentration tax." My amendment, and the amendment of the Ontario Progressive Conservative Party, would accommodate that need. It would also address the concerns that were raised by the parking authority and it would in fact have a long-term benefit.

I would also like to refer to another presentation that was made the same day by the chairman of Metropolitan Toronto, Alan Tonks. I have never seen the man as angry as he was this day, because he came armed with a very excellent report that gave the reasons why Metropolitan Toronto is opposed to this commercial concentration levy. I dare not go into it in the detail that I would like to, because my next amendment will touch on some of the points that I raised on this point and I do not want to duplicate that. If I may, I would like to just touch on his closing paragraph on public transit as it pertains to this amendment that we are now considering:

"Of particular concern is the province's inclusion of the parking lots operated on behalf of the Toronto Transit Commission by the various area municipal parking authorities and departments. It is Metropolitan Toronto's contention that the imposition of the tax on the TTC parking lots will act as a significant deterrent to transit users if the tax is passed on to them at the lots. At a time when every effort is being made to increase ridership and to prove to the public that transit is the most efficient form of urban transportation, we are also transmitting the message that if you are one of the users that must transfer from a car as one mode of transportation to the subway or bus to get across town or downtown, you will incur a significant increase in the fee that you pay to park your car to do so. This mixed message will only serve to confuse the public as to whether the goal is to encourage or to deter them from using public transportation. The public's confusion can truly be appreciated in light of the fact that Metropolitan Toronto is also confused about this seemingly illogical move.

I do not think I could say it any better than the chairman of Metro council has said it in his presentation. We want to do everything we can to encourage people to use public transit, and one of the reasons why the SkyDome, when it opened, turned out to not have the chaos and traffic around it that it could have had, one of the reasons we did not have more occasions of gridlock in the downtown core of the greater Toronto area, was that people were encouraged to use public transit. I know that incentives were

used for them: they were encouraged to do so because their tickets to the ball game became tickets to the transit system. Now what the government is going to do is say, "When you leave your car parked wherever you do within the greater Toronto area, you're going to be heavily penalized by virtue of having left it there." Many people, and I do not know how many, will go and now drive all the way downtown and we will be faced with the greater problem of a heavy, increased concentration of cars and vehicles in the downtown core when we should be doing everything we possibly can to prevent that.

What members are seeing happen here is one level of government tax another level. That other level has to recover its funds. It does not have an unlimited set of resources. So why can there not be a modicum of common sense on the part of this new Minister of Revenue to at least reconsider the bill from its original intent and accept the kind of pleas that have come universally, not just from Metropolitan Toronto, not just from Mississauga, but from the regions adjoining the greater Toronto area, pleading on behalf of their people that this government will do something to cut away that tax? By presenting this amendment we are giving the government an opportunity to say, "Land that is owned and operated for a municipal parking lot or for the TTC will be exempted from this." I think there will be a continuing increase in costs for parking lots on an ongoing basis and on into the future, but what the minister is doing is causing another set of rate increases that will hurt the whole traffic flow into the Toronto area.

Our party is in the process at the present time of carrying out a task force across the province, especially in the greater Toronto area, dealing with transportation issues. Parking is certainly a major element of providing that service and providing encouragement for people, if they are coming down with their cars, to leave them somewhere; to leave the cars close to the subway; to find ways of using other forms of transit. We need to have a mix and a blend of all these things. What the minister is going to do now is not only impact the people who live in the greater Toronto area, because they will be paying far more for their parking rates—they are already starting to have to pay it in the Parking Authority of Toronto—you are also going to affect the tourism. When people come into this Toronto we want to make it an attractive place for them to be. Let them park their cars and let them learn to use the transit systems. I think what you are doing by this

is another further deterrent to tourism in our province.

I could go on at length. I have considerable other representations that were made by people who were asking the government to reconsider this point. It is so important. I have tabled this motion in the presence of this House, in the presence of the minister, and in the presence of all his helpers so that he may now, with the consultation of his parliamentary assistant and all the others who are making up his advisers, come forward and in the spirit of this motion do something with it and approve it. I would be most grateful if he would.

Ms Bryden: I would like to speak to this amendment. I will support it because I think it does address a very serious flaw in the bill and it is one of the many flaws in the bill that I have mentioned. It shows how little attention was paid to those public hearings, which went on for several days, mainly at the request of the opposition parties. Many of the people connected with parking lots in the municipalities came before us and told us that it would put them out of business and that they were serving a very important municipal need to provide parking for the people using the downtown, for the downtown merchants, and to maintain the downtown cores in various-sized cities.

We heard, of course, from the Parking Authority of Toronto, which the member has mentioned, and we heard from the Oshawa, Brampton and Burlington parking authorities, all telling us that the downtown cores of those cities would be destroyed if this tax were applied to their parking lots.

2250

When you also have a tax that is going to add to the gridlock in Metropolitan Toronto, add to the failure to get people out of their cars and into public transit, and going to attack the commuter parking lots of the TTC and other places, it is obviously a bill and a tax that is going to be destructive to the development of a healthy transportation system in the cities of this province.

I do not think the ministry has studied the economic effects of its applying this tax to the municipal parking lots and to the TTC parking lots and to the commuter parking lots. It is a strong reason why the government should admit that this tax is going to be very inequitable. It is going to not meet the transportation needs of the area. It is going to go counter to them and it should be referred back and not passed this time, so that we can see how those needs can be met.

In my opinion, the whole tax itself is a wrong-way approach to solving the transportation needs and to providing the infrastructure, because there is no guarantee that any of it will go to those things. The Treasurer (Mr R. F. Nixon) keeps telling us that there is \$1.2 billion for the city of Toronto in transportation expenditures and there is \$2 billion for the whole province. These are promises that were made two or three years ago and we still have not got the transportation and we have not got the Sheppard Avenue subway.

It is simply a tax grab on a new source of revenue and it is a very badly planned tax grab. It does not pay any attention to the very serious problems that were brought before the committee hearings. I sat through practically all of them. These very serious problems require attention before we do get into a terrible traffic mess and a terrible, discriminatory situation in the effect of this tax on people. I think it is just indicative of the Liberal government's failure to study new revenue sources adequately and instead to hit all kinds of operations that will be badly hurt by this tax.

The amendment of the member is useful in attacking one flaw in the tax, but there are many, many more that should all have been attacked. The government, in its own amendments, failed to meet any of the points that were raised in the committee hearings.

The First Deputy Chair: All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Section 4 agreed to.

Sections 5 to 22, inclusive, agreed to.

Mr Cousens: I had a question on section 7.

The First Deputy Chair: Unfortunately, we have just carried section 7. There will be an opportunity later on to do a question, if you would care to. Perhaps now we could move to—

Mr Cousens: No, I would ask the permission of the chair and the House to go to section 7. I did not realize you had done that.

The First Deputy Chair: No, I am sorry. There was ample opportunity for you to ask any question you wanted.

Mr Cousens: Is there not unanimous agreement from—there can be—if there is, then I can—

The First Deputy Chair: I did not hear you ask for it. I did not hear them give it.

Mr Cousens: I have just asked for it now.

The First Deputy Chair: Are you asking for unanimous consent to revert to section 7?

Mr Cousens: Yes, I am.

The First Deputy Chair: Is there unanimous consent?

Agreed to.

Section 7:

Mr Cousens: Can I ask the minister about the process by which he is going to maintain a register for all land that is assessed? Does he have the register ready now, and what is the status of that?

Hon Mr Mancini: I believe that for members who were in the committee—and there are so many substitutions I am afraid to guess who was there on certain days and who was not there—it was clearly pointed out that there were a certain number of properties that would in fact make up the registry. We even had the breakdown of the properties as per municipality in the greater Toronto region. My officials tell me that the registry will be ready when the bill is passed.

The First Deputy Chair: Now we will move to your amendment on section 22a. Would you put it, please?

Mr Cousens: Just in comment to that, thanks for nothing.

Mr Cousens moved that the bill be amended by adding the following section:

“22a(1) Within one year of the day on which this act received royal assent the tax established by this act shall be referred to a standing committee of the Legislative Assembly.

“(2) The standing committee shall review the impacts of the tax established by this act on the commercial property owners, businesses and municipalities in the greater Toronto area.

“(3) The standing committee shall report its findings to the Legislative Assembly and shall make a recommendation as to whether this act should be continued unchanged, be amended or be repealed.

“(4) In the event that the review of this act by a standing committee is not conducted or the standing committee does not report, this act is repealed on December 31, 1990.”

Mr Cousens: I put forward this amendment. It is a very significant amendment in that it would make the bill absolutely meaningless for a year, but it would cause the Legislative Assembly to have a standing committee review the impact that it is going to have. Unfortunately, the total impact that this bill, which has been tabled in the

House and has had very short discussion in committee, is going to have on the greater Toronto area is still not yet known. The rationale behind this is to give at least a cushion of time during which there could be that kind of analysis.

Bill 46 says an awful lot about the way this government runs the province and nothing that it has to say about it is good. It says a lot about this government's appetite for tax dollars. This bill says a lot about this government's attitude toward municipalities.

The First Deputy Chair: I would simply remind the member that we are speaking to an amendment and not to the bill.

Mr Cousens: This is part of my amendment, Mr Chairman.

The First Deputy Chair: Excuse me, in the course of your debate—I do not mean to infringe on your debate, but you have placed the amendment. Surely, of all the members here, you will be the one who will want to speak to your amendment, not to something else. Please do.

Mr Cousens: That is what I am doing, if you will allow me to, because this amendment, as you can see, has quite a lot of impact to it as it affects property owners, businesses and municipalities. I would like to give a context for the amendment and I am in the process of doing that. This bill implements—

The First Deputy Chair: I am sorry. Please, I have asked you to speak to your own amendment. Please do so.

Mr Cousens: I am. If you keep interrupting me, I am going to have trouble doing it.

The First Deputy Chair: Order, please. I am reminding you for the final time. I have asked you to speak to your amendment, not to the bill. Please do so.

Mr Cousens: I am speaking to the amendment in which I have said that this amendment will have a way of removing from the Metropolitan Toronto area a tax increase that is going to be imposed upon this government, again, in addition to the many other tax increases that have been tabled since it came to power. It amazes me that this government continues to have such a greed for money. This again is another example of that kind of greed. Through this amendment, we are going to have an opportunity of allowing the government to have a pause time before it comes along and imposes an entirely new, an entirely novel, type of provincial tax in Ontario.

We want to have a chance to consider the total impact of this. It represents a clear intrusion into

municipal tax territory in that it involves the province in the taxation of a specific type of property. In addition, this tax is unique in that it represents the first time, to the best of my knowledge, that the provincial government has directly levied a tax on the property of junior and lower-tier governments. Our amendment will have a way of giving those lower-tier levels of government an opportunity to know what that impact is going to be.

2300

This amendment, as well, will help protect the whole regional structure around our area, which is now in this bill called the greater Toronto area. For reasons that I will touch on later that are implicit to this amendment, I think what the GTA really stands for is the greatest taxation area, but I will leave that matter aside for the moment.

As I will say, this amendment, if it passes, will protect the people of the greater Toronto area from this new tax. In my experience, this is a unique and novel approach to raising money for the province of Ontario, the first time ever this Legislature is imposing a punitive tax targeted on only one region of the province.

We have one of the New Democratic Party members standing up to help protect the greater Toronto area, but there is not one of the Liberal members in this Legislature who has stood up to protect the people of the greater Toronto area. I would be pleased to give them an opportunity to speak now, because I think there is an awful lot of worth in seeing them defend their position rather than leaving it to the minister only.

Tax breaks in the past have been given to sectoral districts in different areas designed to foster growth, development and employment in different regions and parts of the country, but in all my years here in the Legislature I cannot recall the House ever being asked to support a regionally targeted increase in the tax burden, which could potentially hamper growth, hamper development and hamper employment. That is exactly what this bill is asking us to do, to impose a discriminatory and punitive tax on a region of the province which never existed until the Treasurer, in his wisdom, decided he needed another cash cow to milk.

This amendment will protect the people of the greater Toronto area from that punishment. With this bill, we are being asked not only to support this new tax but also to legitimize this convenient administrative fiction called the GTA. We are being asked not only to create a new tax but a whole new category of taxpayers. As I mentioned earlier, this tax will be imposed only in the

greater Toronto area, which this government seems bent on turning into the greatest taxation area in Ontario.

When one starts identifying what is the greater Toronto area, why is it that it ends just at the boundary marks of York, Durham, Peel and Halton? Because, indeed, as we see the growth expanding through this province, the heartland of so much that is provided to drive the economy and not taking away for a minute the value that exists in the north, the east and the west, but the greater Toronto area—

The First Deputy Chair: Order, please. I have listened for a fair amount of time now to the member speak briefly to his amendment and it seems to me you have moved quite a distance from your amendment. I am just going to remind you again it is your amendment. I am encouraging you to speak to your amendment and not to something else. Please do so.

Mr Cousens: Thank you, Mr Chairman. What I really believe is happening here is that this government, by isolating and separating out the greater Toronto area, wants to encourage development in other areas of the province aside from the greater Toronto area, but doing that by making the greater Toronto area unaffordable seems to be a very destructive and shortsighted way of achieving that goal. It is to that end that we have placed before this House this amendment that will allow the House to have a year to consider the total ramifications this bill is going to have on the greater Toronto area.

I happen to like a quote from the *Globe and Mail*. Am I allowed to quote from the *Globe and Mail*, Mr Chairman?

The First Deputy Chair: I cannot rule it out of order until you have done it.

Mr Cousens: That is just fine.

The First Deputy Chair: Then I probably will.

Mr Cousens: It is not the paper you read, I do not think. On 19 May it stated:

“There seems little economic logic or social justice in the new Toronto taxes imposed by the Ontario government. Both the timing and thinking are flawed. With the economy expected to grow this year at only half the rate of 1988, Mr Nixon may live to regret slapping an extra tax burden on the region that has been the driving force behind the longest and strongest expansion of the province’s economy since the 1960s.”

The First Deputy Chair: You are right; that quotation has absolutely nothing to do with your amendment.

Mr Cousens: It has, Mr Chairman, to the extent that we are concerned about the impact that the commercial concentration levy will have on the people who are using the greater Toronto area, the people who come into the Toronto area, who work here, who drive here, who live here. What we want to do is make this a place that is attractive to do business, not to detract them from coming into it.

What I am convinced will happen should this bill pass—and I am afraid it will. Because of the large majority that the Premier (Mr Peterson) has and the support that is blindly given to the Minister of Revenue (Mr Mancini), it is therefore going to carry. Notwithstanding that, it does not take away the justice that I am calling for in this amendment; simple justice that will allow this House to have a moratorium on this subject for at least a year.

The fact of the matter is, when we start looking at the impact it can have on the economy, I believe it gives us good reason to say it is a misguided and wrongheaded bill, and by having this amendment we will have at least a year to rethink it, reconsider it and review it. This bill, I believe, should be totally opposed and I will be voting against the bill because it perpetuates this government's back-of-the-hand approach to dealing with municipalities. That is part of what would happen in the year that we would have to review the bill.

When Mr Tonks, the chairman of the region, came to our committee and made his presentation, he commented at some length at the surprise he felt when this was announced in the budget speech. There had been no prior consultation between the province and the regional municipality or the regional municipalities; no prior consultation at all with Metropolitan council or with the regional municipalities. That in itself is an example of how the government is treating the regions around it without having that kind of dialogue and discussion beforehand.

This amendment will give us the opportunity for that kind of discussion and dialogue to take place during the forthcoming year. I am convinced that every municipal government in Ontario would then have a chance to oppose publicly and openly what this bill is all about. It would give those who have not yet commented on it that chance to do so. This bill represents the thin edge of the wedge that the province will use to drive into the municipal tax capacity.

We see this bill as a levy which is going to hurt our whole community in the greater Toronto area. If the greater Toronto area is impacted

negatively, that can have a ripple effect that touches upon the rest of the whole province.

We are being asked to increase the provincial tax burden on municipalities at the same time as the government has chosen to flat-line its unconditional grants and municipal road grants, at the same time as the government continues to offload its responsibilities on to municipal councils. By having this year to consider this amendment—

The First Deputy Chair: Order, please. I do not mean to intervene in the debate, but when you move an amendment, I expect to hear the debate centring on the amendment. There is no restriction on your right to speak or on how long you speak, but you are going to have to talk to the amendment that you put.

2310

Mr Cousens: Thank you, Mr Chairman. I am trying to do that because, to me, there are a number of factors that surround the amendment and surround the bill and this amendment really touches upon the whole meaning of Bill 46 and the commercial concentration levy.

I have to say to you, Mr Chairman, the bill is so offensive and it is offensive to the politicians who have been elected to serve their municipal governments in the greater Toronto area. They have come and they have laid their concerns on the table before us and, in this amendment that I have presented to the House tonight, I am, hopefully, trying to accommodate some of the concerns they have expressed and to give us, as a Legislature, that kind of time frame in which we consider what those effects would be.

This is a time type of amendment. It would give us that 12-month time period in which we would have a chance to look at it.

I have great concerns, as well, about the impact. We can talk about the effect it is going to have on the municipal governments, and they have expressed their points well. In fact, the member for Mississauga South, from her experience on Mississauga council, earlier gave an excellent presentation on the impact it will have.

One of the presentations that we received in committee that was asking for a reconsideration of this bill, which this amendment would provide for, was made and presented by the hotel industry in Metropolitan Toronto. Pannell Kerr Forster prepared a brief that was presented to our committee and indicated a number of the areas in which the hotel industry is dreadfully concerned about the impact it will have on the industry.

By passing this amendment—

The First Deputy Chair: Order, please. I have listened with great care to the member speak to this amendment and have given about as much latitude as I can. I would really like to hear some further debate on your amendment and I am sure there are other members who are anxious to speak to it. You can assist me a great deal if you could kind of finalize your remarks now on this amendment and perhaps other members could participate.

Mr Cousens: I guess I can understand the reason for haste, not necessarily on your part but certain on the government's. Your job is to have the business on the House proceed with dispatch. My job is to make sure that the points are tabled for full and proper consideration and to make sure that there is an honest form of opposition that allows another view to be presented. If it is presented honestly and relevantly—I suppose it is hard to do it tactfully especially when you are restricted by a heavy Chair—it is an important opportunity for us to do this.

I know the government would like to have it over with as fast as possible and it will be over and it will be implemented as quickly as possible. My amendment would help protect a whole, large group of people who have come with a case.

Could I have your indulgence for a moment, Mr Chairman, to just touch on two or three of the points of why the hotel industry, for one, would be interested in seeing this bill totally withdrawn? I am not saying withdraw it by this amendment—

The First Deputy Chair: Please, you asked the Chair a question and you deserve an answer. Yes, you can, certainly. All you have to do is tie those comments somehow, vaguely, into the amendment that you have proposed and I am happy to hear anything you have to say about it.

Mr Cousens: This will tie in very easily when I say in the second part of the amendment, and speaking to that specifically, that the standing committee shall review the impact of the tax established by this act on the commercial property owners, businesses and municipalities in the greater Toronto area.

I am talking about businesses at this point. Up until now, I have been trying to make the point as it affected municipal governments. This is a business, the hotels are a major business to attract tourism in the greater Toronto area and they have come back and brought data in a very thick report indicating just how seriously this will impact the industry.

What they have done is indicate that their business is not as secure and stable as some people would like to think. The government possibly assumes that the occupancy rate is much higher than it is and it is not as high as the government would lead us to believe. They are indicating that as much as 40 per cent of a hotel cannot be rented because it is integral to the hotel operation and, therefore, the commercial buildings have a constant capacity to use nearly all available space; hotels cannot and do not.

Could there then, during this year of special consideration, be a time in which there would be some thought as to the impact it is going to have on hoteliers?

The point they are making, and they move to their bottom line, is that the Metro Toronto hotel industry must compete in the North American market to fill rooms and convention space, whereas the office developers' market is more localized and, in recent years, development of office buildings has had difficulty meeting the current demand for commercial space.

We are talking about a phenomenon that affects not just the greater Toronto area, it affects all of North America. They were able to prepare statistics and data that showed the impact of this has on the hotel industry.

Very often, we think Toronto has a good rate for hotels. The fact of the matter is, on the average daily rate for convention cities, as listed now, we will be going up to one of the highest and by having the commercial concentration levy which would be implemented with the passage of this bill, Toronto will be moved into a position where it is no longer competitive with some of the other key cities across North America.

That is the reason, Mr Chairman, with your good indulgence, why I would like to have a year's moratorium on this bill through this amendment that would allow the government and hoteliers, as one group only, to consider what it means to them.

We are in a position to do something good for business right now. We have had one amendment that was lost, an amendment that would have protected municipal governments and the Toronto Transit Commission from the impact. I am asking for the same kind of thing now for those other businesses that are going to be hurt by it.

We are talking about money and the money that is being spent to keep this economy of ours strong. Let us not take it for granted. Let us not kill the goose that is laying the golden eggs.

The amendment that I have tabled purely says that within one year of the day that this act

receives royal assent it will be referred to a standing committee. That standing committee shall review the impact of it, it will look at the impact it has on municipal government, commercial areas and businesses and then it will report back at the end of that time.

What it is really saying is that this government has had to make 17 amendments already. This is obviously flawed, quickly prepared legislation that was not fully researched before it was delivered to the House. It has already had 17 amendments. This will give us a chance to see if there are any other significant amendments that can be made in this legislation before it is passed.

I would seek the indulgence of the House. Mr Chairman, I know that you cannot vote on things like this but I would hope that I have convinced a few others in this House, at this very late hour of almost 11:20 if you are watching it live, to vote on this tonight and in such a way that we are able to put this aside for a short period of time.

Ms Bryden: I feel that we have already had a very thorough examination of the very bad effects of this proposed tax on the whole greater Toronto area and on the industries, on the small business, on the hotel industry.

If the member had listened to those briefs, he would know that the tax is very flawed, that it does not serve the needs of the people of the greater Toronto area, that it intrudes into the municipal taxing powers in the greater Toronto area, that it does not have accountability in the distribution of the proceeds to any of the municipalities in the greater Toronto area, that it is so badly flawed that it leaves people in shopping malls who are what they call the junior tenants at the mercy of the large owners and large participants in the malls.

It leaves the business improvement areas completely helpless if they cannot have their own parking facilities to help develop the downtown areas of most of our cities, and there are a number of these operating in this area. It will hit small business people the hardest and those are the very people who cannot pass it on as easily to others. It will hurt the operators of commercial parking lots as well as the operators of municipal parking lots.

I cannot understand how the member, having heard some of those submissions, could consider tolerating for another year or three years, four years such a terrible mistake by this government in bringing in a tax that will be highly regressive, that will be highly discriminatory.

2320

It is a geographically oriented tax which hits the taxpayers of the whole greater Toronto area in

a way that they are not hit by any other tax. The business of geographic taxation could lead to special taxes for the north, special taxes for the south, special taxes for the east, and the municipalities are being left with the results of this tax. So there is nothing more that the municipalities can find out from this study. They know that it is bad. They know that it is hurting a lot of people. There is nothing more that the committee to which it will be referred under this amendment can indicate how this tax will possibly work to solve any of the problems that it is supposed to solve, such as providing funds for infrastructure and for transportation. It does not do that and that is another reason why it should not be considered at all. It should be voted down as a tax and the government should go back to the drawing board and consider alternative sources of revenue for the objectives for which it says this tax was set up.

So I would not support this amendment at all. I think it is just shocking that any member would consider even contemplating considering this tax.

Mrs Marland: It is disappointing that the New Democratic Party, which is opposed to this legislation, is now speaking in opposition to this amendment, because my colleague the member for Markham has spent a substantial amount of time explaining why his amendment is so important and so relevant. The fact of the matter is we are now at the last page and the last section, bar one, of Bill 46.

If we are already this far gone in what we agree with the member for Beaches-Woodbine is a very poor piece of legislation in the interests of the people who live and do business in the greater Toronto area, which now obviously has become the greater taxation area, I am sure if the member for Beaches-Woodbine realizes that we are almost through the passage of this bill in committee of the whole, surely the last hook of some redemption for this Liberal government might be to support the amendment of my colleague and the fact that this amendment is simply saying that "within one year of the day on which this act receives royal assent the tax established by this act shall be referred to a standing committee of the Legislative Assembly...."

"The standing committee shall review the impacts of the tax established by this act on the commercial property owners, businesses and municipalities in the greater Toronto area... The standing committee shall report its findings to the Legislative Assembly and shall make recommendations as to whether this act should be continued

unchanged, be amended or be repealed....In the event that the review of this act by a standing committee is not conducted or the standing committee does not report, this act is repealed on 31 December 1990."

If this Liberal government believes that Bill 46 is such a wonderful piece of legislation, then what would they have to fear in supporting this amendment? If it is so good and it is so good for the greater taxation area or the greater Toronto area, if it is so good for everybody, then they should be very proud of it and so secure in this legislation and the drafting of it that they would be perfectly happy in a year's time to have the whole matter referred to an all-party standing committee of this Legislature.

Surely, after a year's time, there will be able to be some assessment made of it. Surely, if it is as good as they would have us believe, they would be happy to have it assessed. And surely, if they are being completely honest with the people of this province, they would be more than happy to learn after a year that if there were little areas that were not perfect—they might be willing to bring in their own amendments to make it perfection.

In order that the intent of this act be supported in this amendment by the government members, since obviously, we do not now have the support of the official opposition and now this is solely an amendment by the third party, I want to read into the record a letter which deals—

The First Deputy Chair: Order, please. I understand that members are anxious to put this stuff on the record, and there are ample opportunities for them to do so, but the member for Markham has proposed an amendment and I am going to direct everyone's attention as best I can to the amendment that is currently before us. Would the members please do so.

Mrs Marland: I think that is absolutely fair. The amendment deals with the impact of this act. This letter deals with the impact of the act as well. I think, in fairness, for me to read this letter in support of this amendment is quite in order.

The First Deputy Chair: Okay. I will just caution with this: when the member has finished reading the letter, the letter had better in some way mention this amendment. Otherwise, of course, it would be irrelevant.

Mrs Marland: I will read the letter. The letter is over the signature of David Plant, who is a constituent of mine in Mississauga South. The letter reads as follows:

"Dear Mrs Marland:

"I am writing to you in desperation to express my urgent need for your advice and assistance

with respect to the incredible tax burden I will be forced to bear due to the application of the commercial concentration tax on 1 January 1990 and the Parking Authority of Toronto's fee structure increase announced on Tuesday of this week.

"I commute to my office at Bay and Queen in Toronto by car, not for convenience but out of necessity. My wife and I were forced due to the lack of affordable housing in Toronto to move to Mississauga in 1987. We located a suitable home for ourselves and our two children, now age four and seven, at 2604 Truscott Drive.

"Our jobs keep us in the office until 5:30 pm. By the time we fight rush-hour traffic, we are lucky to be home much before 7:15 pm. No licensed after-school program or day care arrangement that I am aware of in our area lasts past 6 pm. In the morning, no program is available before 8 am. In order to be at my desk by 9:30 am., I have to be out of the door between 7:15 and 7:30 in the morning. Last Tuesday, with the bad weather, it took me a full three hours to get to work. (In the evening or on weekends, I could drive it in 25 to 35 minutes.)

"As a result, we have to take our children with us into Toronto, just so we can get to them by 6 pm. After 6 pm, penalty charges from the day care are \$1 per minute for late pickup. After 6:30 pm, the Children's Aid Society is notified.

"The cost of nonresident school fees in Toronto for my son are nearly double my total property tax assessment in Mississauga, including school taxes. To my chagrin, I was greeted with an increase in fees from \$1,800 to \$2,100 in September, with no prior warning, due to the changes in the regional allotment under the provincial Education Act. The Toronto board was unable to forecast what next year's fees will be, when I'll have both children in the school system. Suffice it to say, I am already over a barrel when it comes to providing a responsible situation for my children.

2330

"Given the cost of commuting four individuals into Toronto by GO Transit and TTC, being the slave of an incredibly tight schedule, plus the vagaries of transit work-to-rule and system breakdowns, we drive, despite the ever-worsening transit. Using public transit would mean my poor kids wouldn't get home before 7:30 at night—later if we missed the train. At least we have three or four hours a day together in the car.

"It costs me \$10 a day to park at my office, \$9 if I can get into the lot across the street before it fills up.

"The Parking Authority has announced that due to the imposition of the commercial concentration tax on 1 January 1990, the parking rates will increase from 80 cents per half hour to \$1.10 per half hour, with no daily maximum. This means an increase from \$10 per day to \$24.20 per day—a 142 per cent increase. I estimate that it will cost me an additional \$3,308 per year just to park. How can I bear it? Mr Nixon has also talked of imposing a surcharge to gasoline in the Toronto region or imposing a user fee to commuters to improve our already overburdened road system.

"I am a unionized worker subject to negotiated increases of six per cent, on average, with no car allowance or access to perks like a downtown parking space.

"What can I do? I am concerned about our national and provincial debt load and want to be a responsible citizen and pay my share of the taxes, but is this proposed situation reasonable?

"How many other young, middle-class families in our riding are despairing of how to meet their enormous cost-of-living expenses? It is a pretty grim way to face Christmas and New Year.

"I hope to hear from you.

"Yours truly, David Plant, 2604 Truscott Drive, Mississauga."

This letter addresses the amendment because it deals with the impact of the commercial concentration tax that this bill is introducing, which penalizes everybody who has no choice but to commute into the greater Toronto area and park his car while he goes to work. This young family is just an example of thousands. I think that if this government were trying to be at all responsible, it would be willing to support this amendment and say: "This bill is a good piece of legislation. It is going to work, and we will be more than happy to look at it 12 months from now." But I suppose, as with the other amendments, the attitude of this Liberal government will be to defeat this amendment, because once it has passed something, and it has all the power it needs with its 94-seat majority, once it has approved a piece of legislation, it never needs to open that cupboard again. They never need to be answerable to the public about that piece of legislation.

However, I am sure my colleague the member for Markham will agree with me there will be a time when the Liberal government has to answer to the public for not supporting this amendment. There will be a time when this Liberal government is going to be accountable to the people who happen to live in the greater Toronto area, because that is where their jobs are, that is where

their children go to school and that is where they have invested in their houses. But the sad part is that they will not for long be able to afford to do any of those things. As this Liberal government drives commerce, industry and business out of the greater Toronto area, and the people who work in those employment locations, so it will drive down the economy of this province, because we know where the centre of commerce and business is. I am quite sure that with the input from all the minister's staff, he too must realize where the centre of commerce and business is, and why he thinks he has to penalize the people who live in the greater Toronto area with this bill, and then not even be willing to look at it in a year's time, is beyond me.

I think in fairness to the people in the greater Toronto area, the minister should at least be willing to support this amendment and agree that he will look at it a year from now, and that he will at least say to the people who are affected by it, "If we were wrong, we will amend it, but at least we will be willing to look at it." That is all this amendment is about.

It simply says the minister must not penalize the people who drive the economy to the successful boom rate that we have enjoyed the last four years, although, goodness knows, we would not know it, because each year he has doubled taxation in this province, even though he has been in good economic times. Certainly the fact that the minister has decided he needs more than the normal economic growth in the increase in revenues in the Treasury is a factor that we in the Progressive Conservative caucus have found impossible to understand.

The fact that he is continually reaching for more and more money from the Ontario taxpayers and that he can sit there and say he does not need to support this amendment because with the money he is going to build this road, that road, and the list that he gave us earlier—I would hope with the kind of income that he has, even without this legislation, he would do far more in terms of building the much needed infrastructure in the greater Toronto area and beyond.

Mr Cousens: Mr Chairman, if I may—

The First Deputy Chair: Excuse me, there may well be other members who would like to participate in the debate and it is my unfortunate job to see if there are. Are there any other members who wish to participate in the discussion on the amendment that has been proposed? If not, perhaps the member for Markham would like to give us some closing remarks.

Mr Cousens: I wonder why you said it was your unfortunate job. I thought it would be an honourable job to be deputy chairman of the committee of the whole House and that you would enjoy sitting in the chair and having the chance of being in charge of something.

The First Deputy Chair: I normally do, to tell you the truth, but it seems that some members have not read standing order 23. I am bound by that standing order, which insists that I try to keep the members on track, discussing the motion that is under discussion. It appears that not all members have read it quite in the same way that I have.

Mr Cousens: Mr Chairman, thank you for this opportunity. I want just a couple of remarks further. First of all, I would like to endorse very strongly the statement that has been made by the member for Mississauga South. In section 2 of this amendment, we asked that the committee would review the impact on commercial property owners.

I would like to tie something else in that was not covered earlier in my preamble, and that is, within the next year the municipality of Metropolitan Toronto is considering a proposal to implement market value assessment, and that will considerably increase the tax burden of commercial real estate. By having a year's moratorium on that, it will give an opportunity for the standing committee to consider the impact.

If, in fact, we were to proceed with this extra tax now, coincident with the new market value reassessment, I am led to believe—and this would be the kind of data that the committee would want to look at—that in the presentation of the Canadian Institute of Public Real Estate Companies to the standing committee, it indicated that in one project, for example, the 1989 taxes could increase—I want to be specific—from 25 per cent to 90 per cent. Their taxes on the real estate could increase from 25 per cent to 90 per cent over their previous annual municipal tax bill. That is a terribly large increase.

2340

I would like to tie that into another implication that is passed on by one of my constituents who wrote on this to the Treasurer. Mark Cullen of Weall and Cullen Nurseries made this point—and this is why a year's chance to look at it would be very worth while—"You should have no illusions that this is a tax that will be passed on to the general public through retail prices, as a great number of retailers exist in locations of less than 200,000 square feet." Then he goes on to explain

how it would happen. It is just another contributor to inflation.

Combine that with another business concept and with the thinking that has been presented by others; it is an opportunity for the new Minister of Revenue (Mr Mancini) to reopen the subject and accept the fact that there is universal dismay on the part of commercial users, on the part of business and on the part of the municipalities. By having this time to reconsider it and to understand its full implications, we would then be in a better position to proceed.

Let's not forget, I have asked questions in the House that would have tied into this. I have asked the minister, who is on the other side of the House talking to some of his friends, about his position on reassessment. It is almost a fait accompli. Combine market value reassessment and the commercial concentration levy, and we are going to have a very negative impact. I plead with the minister to rethink it and reconsider it, and hopefully this amendment will carry.

The First Deputy Chair: All those in favour of Mr Cousens's motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Ms Bryden: Mr Chair, did we pass 21?

The First Deputy Chair: Yes. That is how we got to 22.

I will put the question again. The members seem a little confused about it all. Is it the pleasure of the House that section 23 carry?

Section 23 agreed to.

The First Deputy Chair: Is it the pleasure of the House that the bill be reported?

Mr Cousens: Mr Chairman, on a point of order, please—

The First Deputy Chair: No. There is no point of order.

Mr Cousens: The honourable member for Beaches-Woodbine has been trying to get your attention. I would like to defend her interests in this Legislature to have that opportunity.

The First Deputy Chair: While you were defending her interests, the Chair acknowledged the member for Beaches-Woodbine. She asked me a question and I answered her question.

Mr Cousens: I don't think she is happy.

Interjections.

The First Deputy Chair: Order, please. The question has been put to the House. If people do not want to, or if people want to discuss

something further, now is the opportunity to do that and to indicate that they want to.

Mr Cousens: Mr Chairman, you did not give an opportunity to other members who wanted to speak. I would say that you are rushing through on this, and I know that there is at least one other member—

The First Deputy Chair: Order, please. Take your seat. Take your seat.

Mr Cousens: I have asked—

The First Deputy Chair: Sit. Sit.

An hon member: Throw him out.

The First Deputy Chair: I have asked other members if they want an opportunity to speak. The only thing I can see that is preventing them from speaking is the member for Markham standing on points of order that are not points of order.

Are there any other members who wish to make comments on any of the sections?

Ms Bryden: On the motion to adopt the bill which we are on now, I understand, I had wished to speak to subsection 21(1), which was amended in the committee and which I spoke against in the committee when it was being amended there, but I guess we were spending so much time on the previous amendment that I was not aware when we came to it. Even though there was no amendment to subsection 21(1), I should have taken the opportunity to speak against it and to express some of the comments I made in the House on this particular bill.

In the whole bill, I think subsection 21(1) is the most dangerous section to democracy in this province. It simply gives the Lieutenant Governor in Council the power to rewrite the bill in any way it likes, to make any decisions it likes and even to make them retroactive if it likes. This is the reverse of democracy. When you do not spell things out and put them all in the regulatory power, you might as well have a dictatorship because the government can change the bill in any way it wants through the regulatory power, and there simply has to be an agreement of the cabinet to get it.

Particularly, I wanted to protest the addition in the committee of two new clauses to subsection 21(1). I believe there was no representative of the third party there when this amendment was brought up, so I was the only one who spoke against it. I would like to read the two clauses that were added in the House so that the members are aware of how very serious an undermining of the whole legislation is in these sections and of this

power that is given to the Lieutenant Governor in Council.

The amendment adopted by the committee was to subsection 21(1) of the bill, which is the regulations section and covers a great number of sections, and it was to add thereto two clauses. The first is “(f)” —so there had been (a), (b), (c), (d) and (e) up until then—“prescribing additional classes of land to be included in the definition of ‘commercial property.’” That simply means the government can bring any class of land under this tax or define what classes are to be covered that are not spelled out in the act.

Also added under subsection 21(1) by this amendment is “(g) exempting commercial properties and commercial parking lots from the tax imposed by this act.” That simply means the government can exempt any operation that appears to be subject to it. There could be considerable pressure exerted on the government. There could even be favouritism in exempting some commercial properties that wished to be exempted and not others, or in exempting some parking lots and not others.

A badly flawed tax that is very discriminatory at present between different classes of business and different types of operation could become far more discriminatory in the whole greater Toronto area than it already appears to be under the law as it is now passed. This simply shows that the government has absolutely no idea of what it wants to tax, but it wants the power to tax everything that moves; it does not even have to come back to the Legislature for any extensions or additional classes of land to be added.

This is going far too far in using the regulatory process. It shows that the bill should be withdrawn and not proceeded with until the government is ready to write into the legislation exactly what it thinks should be subject to the tax, if it wishes to go ahead with it. After they study it and look at all those briefs that were presented to them, they should back off and look for some other source of revenue to cover their needs in the area and let us have a progressive tax system based on progressive taxes, not this kind of very regressive and very faulty tax as a new tax.

The Liberal government should be ashamed that it even thought of bringing in such a tax that is so highly regressive and so unfair in its implications and its economic effects.

The First Deputy Chair: Shall the bill be reported?

Mr Cousens: No.

Mrs Marland: Mr Chairman—

The First Deputy Chair: Let me explain. Perhaps I should. I owe you this much. I had a member who had indicated that she had missed a section where she wanted to make some comments. We are in committee and we do have a fair amount of latitude. We had dealt with the bill in essence, and we were dealing with a motion to report the bill. It seemed that the House indicated that it wanted to allow the member to make her comments.

We were in the middle of taking a question. In committee I would feel quite comfortable, if someone indicated that he wanted to get a few comments in, to provide that. That is what has happened here. It is rather unusual, I know, but the member indicated that she had inadvertently missed the section she wanted to talk about, and it seemed quite reasonable to allow her that. Now, are we ready for the question?

Mrs Marland: Mr Chairman, on a point of order: If we are in the process of taking a motion on whether to report the bill, am I not permitted to speak on any motion?

The First Deputy Chair: Yes, you normally would. I do not want to pretend to you that this is a normal situation. We have dealt with the bill in essence and the question now is, "Shall the bill be reported?" I am mindful of the hour. I am mindful that members have had a long debate on this matter tonight. If somebody has a few short comments to make, I would like to have the latitude of the House to allow that. Are there any members who wish to do that?

Mrs Marland: Yes.

Mr Dietsch: Mr Chairman, on the same point of order: Perhaps we could seek unanimous consent to extend the hour, based on the certain interests of the member wanting to develop and put forward her point of view. I would certainly be willing to sit here until three o'clock and listen to her.

The First Deputy Chair: I appreciate your determination and your inability to read a clock, but we do not need any unanimous consent yet. The member wants to make a few short comments. I think we can accommodate that.

Mrs Marland: Thank you, Mr Chairman. In speaking to the motion to now report this bill, I think it is important for the people who are about to vote on that motion to understand the impact of Bill 46. Some of the comments that I have made earlier this evening, and some of the comments that have been made in a very excellent and competent way by my colleague the member for Markham (Mr Cousens), as well as the last

comments of the member for Beaches-Woodbine (Ms Bryden), have put on the record why it is that we are concerned about this bill.

I think it is important to understand that we are not concerned about this bill just because we are in opposition. I am not voting against Bill 46 on my own account. I am not here to speak against Bill 46 on my own account. I am here speaking on behalf of the millions of people who live in the greater Toronto area who are going to be impacted by this bill. I am here trying to speak on behalf of those deputations which were invited to come to a committee to place on the record their concerns and their questions to this government.

Earlier tonight the Minister of Revenue made the comment that there were any number of substitutions on that committee by the opposition parties. There is no question that there were a great number of substitutions. But before he makes those kinds of comments, which suggest that none of us can stay there long enough and we are always being substituted for, the Minister of Revenue should take into consideration that we have 17 people in our caucus, the official opposition has 18 in its and the government has 94 members.

It stands to reason that the two opposition caucuses try to represent the concerns of people on government legislation, which is what they tried to do in committee and what we have tried to do again here tonight. I am not arguing against the fact that we are six minutes away from midnight, but certainly the member for Markham and myself have not sat here for four hours tonight for fun. We certainly have not sat here because we are at a loss for something else to do. We have sat here and voted in favour of the amendments that tried at least to make Bill 46 palatable.

I am now speaking against reporting this bill, because unless this Liberal government is prepared to make provisions for those people who are going to have to leave the greater Toronto area since they can no longer afford to do business there or who can no longer afford to commute to work downtown because they cannot afford to leave their car anywhere since they cannot afford the parking, unless this Liberal government is prepared to develop satellite cities and provide housing and jobs in locations outside the greater Toronto area, we are going to have a crisis on our hands.

To those government members who are here tonight thinking that this bill is humorous and that the whole exercise of the opposition parties being here and trying to speak on behalf of the

people of the greater Toronto area who are going to be affected, I say that these people who are going to be affected need a voice; but it does not seem to matter how many times they speak up or we speak on their behalf, this Liberal government does not listen.

In supporting the motion to report this bill, I give the government fair warning that it had better be ready with its social services and Ministry of Community and Social Services budget increases, because there are going to be small businesses put out of business because they cannot afford the increase in their rents, which their landlords have to charge because the landlords are paying the commercial concentration tax to this government. Those small businesses, and some large businesses, that are going to be out of business mean that people are going to be out of jobs, and people are going to be out of their homes because they cannot afford to pay rent or mortgages. We will have a crisis in the greater Toronto area, rather than what the government feels it is going to accomplish with Bill 46.

Bill 46, in the government's own words, is a means of funding infrastructure. Well, with the kind of money this government has, it does not need to get beyond the provincial taxation system and get into what is basically and essentially property taxation in order to pay for its programs. I think if it managed its financial responsibility the way it should be managed, it would not have to add more and more taxes to the people in the greater Toronto area; and it should be prepared, because when it drives them out of that area, they are going to have to have alternatives in order to survive in this province.

This bill in its present form is disgraceful legislation, and it shows a total lack of responsibility by this Liberal government to those millions of people who are already penalized living in the greater Toronto area by having to pay more for other privileges of doing business and working here.

Mr Cousens: Mr Chairman—

The First Deputy Chair: Thank you. Shall the bill be reported?

Mr Cousens: Mr Chairman, I would like to speak to that motion.

The First Deputy Chair: Shall the bill be reported? Agreed?

An hon member: Agreed.

The First Deputy Chair: Agreed.

Mr Cousens: Mr Chairman, I would like to speak to that motion. Have I been recognized by the Chair?

An hon member: No.

The First Deputy Chair: Can we have a motion to rise and report?

Mr Cousens: I challenge the Chair.

The First Deputy Chair: The government House leader? Thank you. We have a motion to rise and report. Is it the pleasure of the House that the motion carry?

Mr Cousens: There is no way I will not be recognized in this House.

The First Deputy Chair: Carried.

Mr Cousens: I ask this House—
Interjections.

Mr Cousens: I asked to be recognized by Chair, and the Chair did not recognize me.

The First Deputy Chair: Mr Speaker, the committee of the whole House begs to report four bills without amendment and asks for leave to sit again.

Mr Cousens: I cannot believe what has just happened to democracy.

Hon Mr Mancini: We've run out of time.

Mr Cousens: No. I was standing—

The Deputy Speaker: Order, please. The committee of the whole House begs to report four bills without amendment and asks for leave to sit again. Shall the report be received and adopted? Agreed? Agreed.

Mr Cousens: No, Mr Speaker. There are two minutes left on the clock and I would like to bring a point of order to your attention. The First Deputy Chair of the Committee of the Whole House had received the presentation by the member for Mississauga South. I wanted to speak to the same motion that was before the House at that time, and the First Deputy Chair of the Committee of the Whole House did not recognize me. I was standing in my place; I tried to get the attention of the Chair. Other members of this House will know that I was standing at that time.

I would therefore like to ask you, sir, if you would look into the behaviour of the First Deputy Chair to see if his action is according to the standing orders of this House.

The Deputy Speaker: I will look into it.

Mr Cousens: Mr Speaker, can I ask that you report back to the House at the appropriate time?

The Deputy Speaker: I will.

On motion by Mr Ward, the committee of the whole House reported four bills without amendment.

The House adjourned at 2400.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- | | |
|--|---|
| Adams, Peter (Peterborough L) | Epp, Herbert A. (Waterloo North L) |
| Allen, Richard (Hamilton West NDP) | Eves, Ernie L. (Parry Sound PC) |
| Ballinger, William G. (Durham-York L) | Farnan, Michael (Cambridge NDP) |
| Beer, Hon Charles , Minister of Community and Social Services (York North L) | Faubert, Frank (Scarborough-Ellesmere L) |
| Black, Hon Kenneth H. , Minister of Tourism and Recreation (Muskoka-Georgian Bay L) | Fawcett, Joan M. (Northumberland L) |
| Bossy, Maurice L. (Chatham-Kent L) | Ferraro, Rick E. (Guelph L) |
| Bradley, Hon James J. , Minister of the Environment (St Catharines L) | Fleet, David (High Park-Swansea L) |
| Brandt, Andrew S. (Sarnia PC) | Fontaine, Hon René , Minister of Northern Development (Cochrane North L) |
| Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP) | Fulton, Ed (Scarborough East L) |
| Brown, Michael A. (Algoma-Manitoulin L) | Furlong, Allan W. (Durham Centre L) |
| Bryden, Marion (Beaches-Woodbine NDP) | Grandmaître, Bernard C. (Ottawa East L) |
| Callahan, Robert V. (Brampton South L) | Grier, Ruth A. (Etobicoke-Lakeshore NDP) |
| Campbell, Sterling (Sudbury L) | Haggerty, Ray (Niagara South L) |
| Caplan, Hon Elinor , Minister of Health (Orillia L) | Hampton, Howard (Rainy River NDP) |
| Carrothers, Douglas A. (Oakville South L) | Harris, Michael D. (Nipissing PC) |
| Charlton, Brian A. (Hamilton Mountain NDP) | Hart, Hon Christine E. , Minister of Culture and Communications (York East L) |
| Chiarelli, Robert (Ottawa West L) | Henderson, D. James (Etobicoke-Humber L) |
| Cleary, John C. (Cornwall L) | Hošek, Chaviva (Oakwood L) |
| Collins, Hon Shirley , Minister without Portfolio (Wentworth East L) | Jackson, Cameron (Burlington South PC) |
| Conway, Hon Sean G. , Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L) | Johnson, Jack (Wellington PC) |
| Cooke, David R. (Kitchener L) | Johnston, Richard F. (Scarborough West NDP) |
| Cooke, David S. (Windsor-Riverside NDP) | Kanter, Ron (St Andrew-St Patrick L) |
| Cordiano, Joseph (Lawrence L) | Kerrio, Vincent G. (Niagara Falls L) |
| Cousens, W. Donald (Markham PC) | Keyes, Kenneth A. (Kingston and The Islands L) |
| Cunningham, Dianne E. (London North PC) | Kormos, Peter (Welland-Thorold NDP) |
| Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC) | Kozyra, Taras B. (Port Arthur L) |
| Curling, Alvin (Scarborough North L) | Kwinter, Hon Monte , Minister of Industry, Trade and Technology (Wilson Heights L) |
| Daigeler, Hans (Nepean L) | Laughren, Floyd (Nickel Belt NDP) |
| Dietsch, Michael M. (St Catharines-Brock L) | LeBourdais, Linda (Etobicoke West L) |
| Eakins, John F. (Victoria-Haliburton L) | Leone, Laureano (Downsview L) |
| Edighoffer, Hon Hugh A. , Speaker (Perth L) | Lipsett, Ron (Grey L) |
| Elliot, R. Walter (Halton North L) | Lupusella, Tony (Dovercourt L) |
| Elston, Hon Murray J. , Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L) | MacDonald, Keith (Prince Edward-Lennox L) |
| | Mackenzie, Bob (Hamilton East NDP) |
| | Mahoney, Steven W. (Mississauga West L) |
| | Mancini, Hon Remo , Minister of Revenue (Essex South L) |
| | Marland, Margaret (Mississauga South PC) |
| | Martel, Shelley (Sudbury East NDP) |
| | Matrundola, Gino (Willowdale L) |
| | McCague, George R. (Simcoe West PC) |
| | McClelland, Carman (Brampton North L) |
| | McGuigan, James F. (Essex-Kent L) |
| | McGuinty, Dalton J. (Ottawa South L) |
| | McLean, Allan K. (Simcoe East PC) |

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Wednesday 13 December 1989

Members' statements		Native services	4754
Breathalyser machines	4745	Mr Pouliot	
Mr Farnan		Mr Scott	
Post-secondary education	4745	Mr Wildman	
Mr McLean		Rent regulation	4755
Earthquake in Armenia	4745	Mr Jackson	
Ms Oddie Munro		Mr Sweeney	
Land use permits	4746	Recycling	4756
Miss Martel		Mr D. R. Cooke	
Abandoned rail line	4746	Mr Bradley	
Mr Eves		Food banks	4756
Tropicana Community Services	4746	Mr Laughren	
Mr Faubert		Mr Beer	
Pay equity	4747	Assistance to farmers	4757
Mr Mackenzie		Mr Villeneuve	
Capital funding for schools	4747	Mr Ramsay	
Mr Jackson		Nuclear safety	4757
Mississauga Heritage Foundation	4747	Mrs Stoner	
Mr Mahoney		Mrs McLeod	
Oral questions		Automobile insurance	4758
Hospital services	4748	Mr Kormos	
Mr B. Rae		Mr Elston	
Mrs Caplan		Petitions	
Cancer treatment	4749	Temagami district resources	4758
Mr Reville		Mr Chiarelli	
Mrs Caplan		French-language services	4758
Health insurance	4750	Mr Owen	
Mr Brandt		Greater Toronto area	4759
Mrs Caplan		Mr Philip	
Mr Pope		Teachers' superannuation	4759
Mr Mancini		Mr Runciman	
Skilled trades	4752	Report by committee	
Mr Mackenzie		Standing committee on regulations	
Mr Peterson		and private bills	4759
Hospital services	4753	Mr Callahan	
Mr Eves		Agreed to	4759
Mrs Caplan		First readings	
Occupational health and safety	4753	Highway Traffic Amendment Act,	
Mr Owen		1989, Bill 96	4759
Mr Phillips		Mr Wrye	
		Agreed to	4759

Law Society Amendment Act, 1989,

Bill 97	4759
Mr Scott	
Agreed to	4759

Second readings**Unclaimed Intangible Property Act,**

1989, Bill 86	4759
Mr Reycraft	4760
Mr Laughren	4760
Mr Pope	4762
Agreed to	4763

Business Information Statute Law Amendment Act, 1989, Bill 79

Mr Haggerty	4763
Mr Farnan	4763
Mr Runciman	4764
Agreed to	4765

Highway Traffic Amendment Act, 1989, Bill 95

Mr Wrye	4765
Mr Kormos	4766
Mr Reville	4766
Mr Wiseman	4766
Agreed to	4772

Committee of the whole House**Ontario Lottery Corporation Amendment Act, 1989, Bill 119**

Ms Bryden	4772
Mrs Marland	4772
Mr Reycraft	4775
Reported	4781

Second reading**Provincial Penalties Adjustment Act, 1989, Bill 92**

Mr Polsinelli	4781
Mr Kormos	4781
Mr Sterling	4783
Agreed to	4783

Committee of the whole House**Provincial Penalties Adjustment Act, 1989, Bill 92**

Mr Sterling	4783
Mr Polsinelli	4784
Mr Kormos	4784
Reported	4787

Second reading**Freedom of Information and Protection of Privacy Amendment Act, 1989, Bill 84**

Mr Elston	4788
Mr Breaugh	4788
Mr Sterling	4790
Agreed to	4792

Committee of the whole House**Freedom of Information and Protection of Privacy Amendment Act, 1989, Bill 84**

Mr Breaugh	4793
Mr Elston	4793
Mr Sterling	4793
Reported	4796

Municipal Freedom of Information and Protection of Privacy Act, 1989,

Bill 49	4796
Mr Sterling	4796
Mr Breaugh	4797
Mr Elston	4798
Reported	4803

Municipal Freedom of Information Statute Law Amendment Act, 1989,

Bill 52	4803
Mr Sterling	4803
Reported	4803

Commercial Concentration Act, 1989,

Bill 46	4804
Ms Bryden	4804
Mr Philip	4805
Mrs Marland	4805
Mr Sterling	4805
Mr Mancini	4805
Mr Cousens	4811
Reported	4825

Other business

Visitor	4748
The Speaker	

Recess	4787
--------------	------

Adjournment	4825
-------------------	------

Alphabetical list of members	4826
------------------------------------	------

TABLE DES MATIÈRES**Le mercredi 13 décembre 1989****Deuxième lecture****Loi de 1989 sur les billets immatériels**

nonréclamés, projet de loi 86 4759

M. Pope. 4762

Comité plénier**Loi de 1989 sur l'accès à l'information
municipale et la protection de la vie****privée**, projet de loi 49. 4796

Rapport du projet de loi 4803



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Second Session, 34th Parliament

Thursday 14 December 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 14 December 1989

The House met at 1000.

Prayers.

ORDERS OF THE DAY

PRIVATE MEMBERS' PUBLIC BUSINESS

PROSTHETIC HAIR REPLACEMENTS

Mr Pollock moved resolution 36:

That, in the opinion of this House, the Ministry of Health should pay for prosthetic hair replacements for persons under 18, or those enrolled as full-time students in any school, college or university that have hair loss due to accidents, conditions such as alopecia areata and treatments such as chemotherapy.

Mr Pollock: I could have enlarged on my resolution to mention other forms of hair loss and many other concerns I have. However, it is my understanding that a resolution is to get the general consensus one way or another. A bill is a necessary way to make all the rules and guidelines.

We all know that prosthetic devices are funded by the Ministry of Health. These prosthetic devices are funded at the rate of 75 per cent by the Ministry of Health and 25 per cent by individuals. When we are talking about children, the fact is that if they have to get an artificial leg or arm replaced on a regular basis because of their growing bodies, this still could be very expensive. The same would be true in regard to prosthetic hair replacement. As the child develops, the hairpiece would have to be changed.

Expense plays a major role in the choosing of a hairpiece and subsequently the happiness of the child. Many parents have had to choose a department store type which is generally made for adults and, because it is geared to adults, does not suit the child and is therefore a great cause of distress to the wearer.

There are reputable companies whose business is to make prosthetic hair replacements especially for their clients, whether for adults or children. They are expensive, because much care and time is needed to make them personal. Specific fittings are taken to ensure the base is well formed and then the hairpiece is completed with a colour similar to the child's. It is then cut and styled so it is complimentary to the child.

These prosthetics also are fastened on with special tape so that children will have no fear of losing them. They can swim, play ball and run in the wind with everyone else and they can be confident, when going out in public, that they will be accepted by their peers.

But how many parents can afford the \$1,200 to \$3,500 for a prosthetic hair replacement along with the many other expenses that are often involved with raising a family? It may be that the child will need a new one every year, with constant wear.

I have had parents come into my office who are heartbroken because of the problem facing their child and their not being able to afford a proper hairpiece. It makes them feel that they are letting their child down. Many of these people do not know where to turn. Would it not be of great assistance to be able to tell them that our health care and our government are ready to help them?

This is a health problem. Let us address it and in doing so, we will help these young people who cannot help themselves.

I would like to tell the House about a mother and son coming into my office. The son had alopecia areata. We discussed their concerns and the mother expressed her hope that OHIP or the Ministry of Health would pay for a prosthetic hair replacement. Most of the time we were talking the son sat silently, but I could tell he was listening to every word.

He then started to express himself, talking along the lines of being able to fight the world and cope with his problem. But all the time that he sat in my office, never once did he offer to remove his hat. If it was not easy for him to remove his hat in my office when only his mother and I were present, I can just imagine how much pressure there would be on him in the classroom or in the playground, or how self-conscious he would feel if his hat or cap were blown off by the wind or flipped off by another child.

Every member here knows that alopecia areata is not discussed on a regular basis. The information that we receive on alopecia areata is sometimes contradictory; in some cases it refers to it as a condition and in other articles it refers to it as a disease. I have an article on alopecia areata

that comes from the United States, and it refers to it as a disease.

Whether it is a disease or a condition, I believe that the Ministry of Health should offer some assistance. I would like to read an article on it and also a letter requesting support from the National Alopecia Areata Foundation which I feel is self-explanatory.

"Alopecia areata is a common condition that results in the loss of hair on the scalp. It usually starts with one or more small, round, smooth patches. It occurs in both males and females of all ages, but young persons are affected most often.

"Normally, the hair follicles on the scalp are producing 35 metres of hair each day. In alopecia areata, the affected hair follicles slow down production drastically and become very small, and grow no hair that is visible above the surface for months or years. While they are in this hibernation-like state, the hair follicles remain alive below the surface and are ready to resume normal hair production whenever they receive the appropriate signal.

"Some people develop only a few bare patches and regrow them within a year....In some persons, the condition spreads until all hair on the scalp is lost; this is called alopecia totalis. No matter how widespread the hair loss is, the hair follicles remain alive below the skin surface and the possibility of hair regrowth remains."

1010

This is a letter from the National Alopecia Areata Foundation in the United States:

"Dear Friend,

"The board, staff and volunteers of the National Alopecia Areata Foundation thank you for your tremendous support in our most successful year to date. The foundation has awarded \$170,000 in research grants in the last four years, but we still have a great deal to do to educate a largely misinformed public about the disease and provide needed nationwide support.

"We helped many people through a rough year of their lives. There were the frustrated parents who called when their child was placed in special education or denied access to school because of alopecia areata—we were able to educate them as to their rights and refer them to appropriate agencies for additional help. We connected many lonely teenagers with others their age. We were able to calm distressed individuals by directing them to self-help facilities in their own communities.

"We sponsored a national public awareness week and an international conference. We improved and expanded the bimonthly newslet-

ter, strengthened support groups around the world and disseminated accurate, up-to-date information to the public and to government agencies.

"Unfortunately, alopecia areata does not command headlines or great public awareness. While the NAAF will double and redouble public awareness efforts, the front-line supporters for alopecia areata sufferers are others who have the condition or those who love them. We must help ourselves. We have to build our foundation to foster research and continue support....

"On behalf of everyone with alopecia areata, we thank you in advance for your generous continued support. You do make a difference in many people's lives."

Those people who lose their hair because of chemotherapy also undergo a traumatic experience. They not only lose their hair because of the treatment but they have the added worry in regard to whether the treatment was successful. Hair lost due to chemotherapy treatments usually grows back, and it is my understanding that the Canadian Cancer Society offers some assistance. I am sure the cancer society's budget is stretched to the limit and any assistance the Ministry of Health can give children suffering from cancer and the effects of chemotherapy would be appreciated.

When a person needs a prosthetic hair replacement because of an accident, hair loss due to a fire, alopecia areata or chemotherapy, it is a very emotional experience. I am sure that any assistance from the Ministry of Health would be appreciated.

I hope that I have explained to this assembly just some of the problems facing children with hair loss. This resolution was designed to provide help for children, students and young adults who do not have any financial support of their own.

I would ask all members of this assembly to support the resolution and I would like to repeat the last line of the letter from the National Alopecia Areata Foundation: "You do make a difference in many people's lives."

Mr Grandmaitre: The resolution proposes a further expansion of the ministry's assistive devices program, which already is straining to meet demands of a more urgent nature. I realize how important it is to the member this morning, but I would like briefly to tell the House what the Ministry of Health has done and is still doing in providing financial assistance to not only what the member is referring to this morning, but also other programs.

That program has been expanding at a tremendous rate. Spending on the devices alone has increased more than tenfold since the government came to power. The figure was \$8.4 million in fiscal year 1985-86; last year the amount spent was \$49.3 million. The printed estimates for this fiscal year are \$90.6 million and still the demand keeps on rising, due largely to an ageing population.

It all began in 1982. It was limited at the time to providing assistance to Ontario residents 18 years or younger. The program was not conceived as a universal and comprehensive benefit program under the Canada Health Act; rather it was designed as a cost-shared program of selective benefits. It meant that the ministry would pay and continues to pay, as pointed out by the honourable member, 75 per cent of the cost of selected assistive devices.

The devices eligible for the funding originally included hearing aids, prosthetic and orthotic devices, wheelchairs, custom seating and ostomy supplies. In January 1983, coverage was added for respiratory equipment and supplies, and shortly after for oxygen. The following year, 1984, coverage was added for communications and visual aids. On 1 January 1986, the eligible age limit was increased to 21. Each 1 July since then, the qualifying age level has been raised by one year until this year it has reached 25.

While the age limit for the full range of assistive devices was being raised, the program began abolishing the age restriction for certain devices. In July 1986, coverage for prostheses was extended to include people of all ages. These included artificial limbs and breast prostheses for women. In September 1986, respiratory devices and ostomy supplies became eligible for coverage for all ages. Two months later, wheelchairs, custom seating systems and mobility aids such as specialized crutches and walkers were added for everyone. In December 1988, the program provided for assistance for hearing aids for all ages.

The priorities for the program lie with extending the qualifications for obtaining vital equipment at all ages. I am sure honourable members will agree that we must seek to provide for the growing proportion of the elderly. After all, old age is you and me and everybody some day.

Consider, for example, those devices and supplies where the limitation still applies to those aged 25 or under. These include orthotics, that is, braces and splints for arms, legs and back, visual aids such as Braille printers, magnifiers and

special glasses, and communications aids for deaf people. In addition, provision of oxygen is still limited to those under the age of 25.

Extending is considered more urgent, at least at this time in the evolution of the program, than providing artificial hairpieces. In general, hairpieces do not meet the criteria of the assistive devices program because they could be considered a cosmetic device. Cosmetic treatments, as members are aware, are not eligible for health care coverage.

Further, hairpieces do not fit the definition of a prosthesis on two grounds: First, if the hair loss is permanent, it does not substitute for a missing body function; second, in cases where the missing hair is a temporary condition, the hairpiece does not replace a permanently missing body part. The overall criterion is permanent loss. Thus, temporary hair loss conditions such as those caused by chemotherapy or infectious rash are not considered eligible.

While artificial hairpieces in themselves are not covered now under the assistive devices program, there is provision for some assistance under the health insurance program, OHIP. If the hair loss is nonhereditary, such as having been caused by an accident, medical reparation could be covered regardless of age. These include surgical procedures such as a skin graft or skin flap and/or implanting hair plugs.

1020

I think the government, in the last four or five years, has done a tremendous job in increasing the financial assistance to people needing such services, and we will continue to do so. I know that the member will be disappointed to hear that the Ministry of Health is not prepared at this time to improve this assistance or have these people qualify under our program. But I would like to tell the members that the Ministry of Health will continue to look at the possibility of expanding this program and we will continue to provide more financial assistance.

Mr Pollock: The member for Scarborough Centre (Miss Nicholas) wanted to speak on this and also the member for Markham (Mr Cousens), but he felt that he would not be called on until 10:30. He had to go to a committee. That is why he is not here at the present time. He just assumed that he would have another half hour before he would be called on to speak.

Anyway, I appreciate what the Ministry of Health has done for people in providing prosthetic devices, but I still believe in what I mentioned in my resolution, that prosthetic hairpieces should be funded by the Ministry of Health. I

have no quarrel with it being funded at the same rate that other prosthetic devices are funded at, the 75 per cent-25 per cent level. I have no problems with that at all.

The Deputy Speaker: We have just been told that the member for Markham would like to address the House on this topic.

Mr Cousens: I very much would like to and I would like to thank my very good friend the member for Hastings-Peterborough (Mr Pollock) for giving me a chance to participate in his resolution. I think it touches upon the sensitivity that our honourable friend the member for Hastings-Peterborough has for people and for the problems that people go through.

If there is anything we can do as legislators to make their lives better, then we should do it. If there is something that can be done here that touches upon one group that may not be as large a group that is represented by others that are more identified within society, then let's try to do it.

When the member for Hastings-Peterborough asked me to participate, I think he was going back to my earlier days when I wore my collar the other way around, when I was a clergyman and was chaplain at a mental health institution and a place for the criminally insane in Penetanguishene. I worked there for three years and was a counsellor and, as chaplain, had a chance to get very close to some of the problems that people have later on in life.

It was through those early days of my work in the church that I began to realize that many of the problems—I knew it, having studied psychology at university, but it was a practical experience, when I started working with adults who now, in later life, were encountering problems that stemmed from the very early beginnings when they were young. I will never forget one of the people with whom we were dealing, who had his face disfigured in an accident as a child with terrible scars across his face. The surgery that had been done had never fully correctively removed the facial disfigurement.

This person ended up coming out of himself, fighting against the world, fighting against society, in order to make a statement of his unhappiness with life. This very person was at that point in a mental institution and unable to cope with his neighbours, his friends, with society at large. What really happened in the early part of his life as a young child when this accident had taken place, the fact that it had never been fully and properly corrected, was one of the ingredients at least for a person who was susceptible to a problem later on, emotionally

and otherwise. The fact that it had not been stemmed and corrected earlier meant that later on in life it became an even bigger obstacle. A person may stand out from the rest of the crowd in any way, for example, his size. He is short or he is tall.

If, as we now see it, the person is a dwarf, there are ways in which you can lengthen his legs and cause him to stand taller. If there is a problem with their hair or if there is a problem with themselves, their physical being, then medical science is in a position today to do something about it in many cases. We understand that the human being is a very complex person and in understanding the human being, there are physiological and physical and emotional contributing factors that make us up to what we are. If one of those factors is out of balance with themselves and the rest of society we, as we look on, might understand better the personal dilemma that it creates for them.

So my experience, as it goes back to those early days, is one that ties in to the resolution that is before us now. If we as a society can do something to help a person stand up by himself, go out into the street, deal with his fellows, the boys, the girls, his friends, his neighbours, his family and whoever, with a sense of self-confidence, then we have done the right thing. I do not think it is ever easy to help people help themselves, but if we can help them through the kind of assistive devices we are talking about in this resolution, then we will have gone a long way for those very people.

I do not have any evidence that children who have this problem of hair loss are going to end up with the kind of problems in the mental institution that this child had as an adult. I do not begin to say that. I do not want that to be the kind of direction that I am taking here. I am saying that I know from many, many people that if they even go to the barber or hairdresser who does a terrible job, gets the tint wrong, takes too much hair off in one direction and something happens, they want to go and hide. They do not want to come out of the house. I know of people who have not come to a meeting for various reasons, because of the way they looked that day, because of what happened at the hairdresser or the barber shop.

I know that I have a more permanent problem and I know that my good friend the member for Hastings-Peterborough, in asking me to do it, knew that I had a sensitivity about the subject that goes deeper than that of maybe many others in this House. There might be only one or two who would compare with my situation in hair loss and

would have a sensitivity to it. I think I handle it fairly well. As a child I did not have to handle it because mine is a heredity problem. Yet even as adults there are many who will have hairpieces and toupees and ways of combing their hair to present themselves in a most positive way.

It is in the spirit of being sensitive to the needs of human beings that we come today in this House to consider what we can do about particular people who are under 18 years of age and have hair loss. What can we do to help them? What can we do to help them establish themselves in society and make fruitful, full lives for themselves and to understand the balance that takes place in their need for self-confidence and recognition, their need for being able to look in the mirror and feel good about themselves?

I think that is really where our honourable friend the member for Hastings-Peterborough is coming forward. He is saying that those who are young people particularly need to be given every advantage they can possibly have.

1030

I think the resolution before us would apply to many other circumstances. What the member for Hastings-Peterborough is really doing is identifying one group, and I think if we can say of that one group that its need is legitimate and valid, then there will be others as well who would be able to be given that support from our government where it could.

I happen to believe that we can do something for those who have alopecia areata; it is not a widespread disease, but if we can understand its impact on them we might understand that it is very serious.

I am referring to an article on the psychological significance of hair. In the conclusion of a very long article on the whole situation of baldness in young people, it says:

"From primitive times to the present there has been a tremendous human concern about the general condition of one's hair. The psychological significance of hair should not be belittled. Throughout history, hair has played an important role in practically every aspect of human behaviour."

It goes on to explain how it has done that throughout history and it concludes by saying:

"Today we know that baldness is a natural phenomenon and not a disease, but yet to most men and women it is a traumatic condition to be corrected at any cost. There are millions of men and women who are so concerned about their hair loss that they seek medical and surgical help."

For these young people, we know now it is a medical problem and we know that we can give them help. That is what this resolution is calling for. It is saying, "Can we in the province of Ontario pay for prosthetic hair replacements for children and people under 18 years of age?"

We are considering not only the ones that we are dealing with who have alopecia areata; we could be talking about those young people who have chemotherapy. I have seen pictures of the way in which we are now working towards bringing them into society, back into school where the teachers and all the community are working to help those young people who have had the disease and now are going through another kind of withdrawal symptom because of their physical experience. Society, the school and teachers—the whole community—are trying to make those very young people come out of themselves and be part of the community again. It is to that end that this resolution makes a great deal of sense.

There are little areas in which many of our own government programs do an excellent job to help people. We have the assistive devices program, which is assisting people with hearing impairments so they can hear. We have the ability to have canes, walkers and wheelchairs. We have the ability to provide for breathing equipment for them. We do a great deal in this province. In fact, look around the world and there are few places that do as much as we do in Ontario. Now what we could say is that here is an example of one group that has a specific kind of problem that has not been addressed as fully as it could have been.

I thank the honourable member for Hastings-Peterborough for giving us a chance to consider this resolution. I thank him for the concern he is showing to other people. As politicians, so much of what we do is service to our community where we, in our riding office and through legislation, try to make this a better place to live. In supporting this resolution, I know we will have gone at least a little bit further to help those who are in a position to need that help. I thank the member for his resolution and I will be supporting it.

Miss Nicholas: I want to say at the outset that I will be supporting the resolution of the member for Hastings-Peterborough. I welcome the opportunity today to speak in favour of it, to speak on the issue and perhaps express two concerns I have about the resolution. Perhaps in his last two minutes the member will reply to my concerns.

I think the assistive devices program that we have in Ontario is a great initiative. It is one that

has served many in the community. It has been expanded a great deal in recent years, and I agree that there are many demands on it. I think just mentioning the amount that it has cost in the last few years shows how it has been received by the community, how receptive they have been and how needed it has been: from \$8.4 million in 1985-86 to \$49.3 million last year. It is expected that we will be spending over \$90 million this year on the program. This is due to many factors. One, of course, is the ageing population. There are mobility aids, hearing aids and wheelchairs that have helped seniors to continue to live in our community and to carry on as they did before, and I welcome this program that allows them to do it.

There are other things that are offered, as has been said, including artificial limbs and breast prostheses. I know that many of my constituents have benefited from this program; one in particular needed a wheelchair. Wheelchairs have greatly improved over the last few years. I remember when they had chairs which you had to operate manually. Now they are motorized, they are somewhat comfortable and they allow the individuals who are in them to get pretty well anywhere they want to that is accessible by wheelchair.

The cost of this wheelchair was \$6,000. Even at the 75 per cent coverage, there was \$1,500 that she had to pay. I know she found that money through our help, through other sources and community efforts that are out there to help people like herself who, even at the 75 per cent funding level, are unable to purchase chairs. Having said that, I think it is valid that we cover 75 per cent because then some people, knowing that some cost will come out of their own pocket, when choosing the device they want may not always choose the Rolls Royce but will choose the aid which best suits their needs.

The assistive devices program has a definition of "long term," and it suggested that it be six months. I think it has been said that with hair loss it is an undetermined length of time. Initially, when hair loss occurs, you are not sure whether it will be three months, six months, a year or a lifetime; it is very difficult to determine. Therefore, I think we should say that when hair loss does occur due to a disease, cancer treatment or other ailments, if we do not know how long it will be, we should err on the side that says the person does need some kind of hair replacement in the meantime and it does fall within this program.

I know that on the standing committee on the Ombudsman we dealt with someone who requested an electric breast pump, and that to be under ADP. The problem was that when you have a premature child, quite often it remains in hospital for six or eight weeks after the birth and at that time the mother has to use a breast pump to be able to provide her child with milk. The cost of this may be in excess of \$200. I know the committee had some concerns that maybe six or eight weeks did not fall under this program and we discussed that. I think that can be distinguished in this instance where in most cases the hair loss is for a fairly long period of time and, more importantly, an indeterminate length of time, which forces the individual to purchase some kind of hair replacement, not knowing.

I know that chemotherapy treatment is ongoing. Hair loss occurs maybe several times during a person's treatment for cancer. Their dignity is lost. It is very obvious they have undergone some kind of treatment because of the sudden hair loss. I think that many of us have been touched by someone who has been affected by chemotherapy treatment.

It is unfortunate that we do not have a cure for cancer, but is it not nice that we do have a treatment that allows someone to continue to live his life. Quite often we say, "Oh, this person is only going to live six months." How often has someone been given six months to live and then he has lived three, four, five years or many more years than that. I think our medical knowledge is too uncertain to know how long they are going to be living, and therefore we should allow them to live their final months or years in the best way possible. If we are helping by providing them with some kind of hair replacement, then I think we are going a long way.

I did not know about alopecia before today. I know the member for Etobicoke West (Mrs LeBourdais) has a friend who has experienced it, and I know it touches all ages. I think we provide psychological treatment for these people. I think that for the amount it hurts people in terms of morale, we should also provide hair replacement in addition to the psychological treatment.

1040

Is is cosmetic? No, I do not think it is. There is a distinction between a cosmetic hair replacement and one that is required because of some kind of medical ailment. I think we distinguish between where a woman needs a breast prosthesis just to have larger breasts and when she has undergone a mastectomy and needs some kind of replacement to continue for the rest of her life;

her life has been saved and we can make it a more fruitful life.

There are two concerns I do have about this resolution. One is the specific age limit of 18. The member was on the committee when the Ombudsman discussed whether we can make a distinction between under 18 and over 18 in the northern health travel grant program. I do not think it is appropriate that we just make the distinction of 18. I would like to see it even broader than that. I know the Minister of Health (Mrs Caplan) will probably have a bit of a fit for that, but I think that is something we should consider in addition to the replacement.

The other suggestion I have is that there are extensive hair replacement alternatives. I believe we should put some kind of limit on what hair replacements will be permitted in terms of maybe a dollar value or a number value. I do not think anyone should be entitled to more than one at a time, and I think we can specify that type of thing. They may need more than one over a period of their ailment, but I think we should make some restriction on that. I do not know who should do that or how we should do that, but that is the second concern I have about it.

I think this is a great initiative. It is one that is going to allow us to give people back a quality of life, to go out into the world and not only deal with the problem that they have of cancer or a disease like alopecia but also allow them to go out and feel good about themselves and to meet the challenge of dealing with the disorder that they have at that particular time.

In that way, I commend the resolution of the member for Hastings-Peterborough. I will be supporting it, and I am glad that members are so concerned about their constituents.

Mrs Grier: We had some discussions with the third party and are prepared to seek unanimous consent to allow the member for Hastings-Peterborough to continue the debate.

The Deputy Speaker: Is there unanimous consent?

Agreed to.

Mr Pollock: I will lend some time to my colleague the member for Wellington.

The Deputy Speaker: Let me consult because this is a rather unique situation here.

Mrs Grier: I am prepared to change my motion. It was my error. I thought it was the member for Hastings-Peterborough who sought the additional time.

The Deputy Speaker: For the third party, in that case, the member for Wellington.

Mr J. M. Johnson: I would first of all like to compliment my colleague the member for Hastings-Peterborough for bringing this resolution forward. The parliamentary assistant for the Minister of Health, the member for Ottawa East (Mr Grandmaître), has made many compelling reasons why we cannot afford to go into a new area of endeavour to help our people.

Indeed, health is a very broad field, and they are doing many things to help people, but I constantly think we have to review what has happened in the past, and possibly we have reached a time when we should be looking at the type of proposal that has been presented today. Maybe it is not as urgent as some of the pressing problems we face in the health field, but to the young people who are the victims of this disease and who do require this type of support service it is extremely important to them.

It is not only important to the fact of their appearance, but the peer pressure in our society today is such that young people may have their whole lives affected by what happens during this period of time that they are in school and how the other students react to their appearance. For that reason alone, I think we should have some compassion to understand that it is something possibly beyond just the cosmetic appearance; it is something that strikes at the very future of their being.

We will spend some extra money out of the provincial budget to do this job. The proposed resolution would request spending certain amounts of money. But if these young people develop into better citizens because of that expense then what we are really doing is just investing in the future. So it is not an expense per se, but it will be an investment that will be returned many times over.

I encourage the minister to give very serious consideration to looking at the merits of the proposal, at least to cost it out and determine the dollars required in order to do the job that is necessary. I would even be very supportive of the comments of the member for Scarborough Centre (Miss Nicholas) that possibly we should not just be looking at those 18 years old. People who are 19, 20 and 21 may have the same problem.

We have to look at the need of the individual. In much of society today support services are based on the principle of need. I hope the Ministry of Health will look at the proposal, determine the cost, consider the benefits that would flow from the proposal and determine if it

could not give some consideration to the merit of the proposed resolution.

The member for Markham (Mr Cousens), who is a former minister involved in many of these health-related activities, does have a problem. I sit behind him, and he certainly has a hair loss, but I would not be supportive of providing him with any financial support. I think he can afford to buy his own hair replacement.

In conclusion, I would like to ask the members of the Legislature to give very serious consideration to the impact that this resolution would have, how it would benefit even just a few young people. If we as legislators can in some way help some of these unfortunate people to have a better life, then it is worth the effort.

As an opposition member who is critical of government spending, I can assure the members that I will not criticize this. I will be very supportive of it.

The Deputy Speaker: I know the unanimous decision was to give it to the third party, but some other people have indicated they would also like to speak. Would there be a unanimous decision to allow members from other parties to speak on this?

Agreed to.

Mr Elliot: I would like to speak for a couple of minutes in support of this resolution. The member for Hastings-Peterborough is to be complimented for putting a motion like this in front of the House in private members' hour, because he has highlighted in his usual way—this particular member has a lot of common sense—a very pressing problem to part of our society. I would like to address the motion from two points of view.

On a number of occasions in private members' hour, I have stood and supported motions that I find to be complete liberal philosophy. In this particular case, what we are talking about is a motion associated with medicine. I think the compelling arguments from other members that I have heard here this morning having to do with the preventive nature of this particular motion are very appealing to me as a liberal person.

If we could enhance the self-image of individuals, particularly those persons under 18 years of age—and this highlights the other compelling part of the motion to me, the fact that there is an age specification here—what we ought to do in the Ministry of Health is take a look at each individual and, from a preventive point of view, assist them to become economically viable in our community. The payoff down the road obviously makes all of that effort very worth while.

I think these things are incorporated in the motion. The other thing that I would like to comment on with respect to motions such as this is whether the motion will be addressed in some way by the Ministry of Health. I realize from discussing this particular motion with individuals prior to today that they are prioritizing all the time. Whether or not this motion brings these particular individuals to the top of the priority list immediately is a moot point. There are a lot of demands in the Ministry of Health for the money that it must expend. There are a lot of compelling arguments put every day for that money.

I hope the ministry will view this as a clear indication by a significant number of people in the Legislative Assembly that, for the reasons that have been stated, we feel this to be a viable idea that should be considered seriously. In that context, I will be supporting the motion made by the member for Hastings-Peterborough.

Mr Mahoney: I do not want to take up too much of the time that is left to the mover of the motion. While this is certainly not anything that could be construed in any way to be humorous, I want to share a little story to indicate to the member opposite that even reasons beyond health problems can sometimes lead to the necessity to deal with this situation.

I recall when I was about eight or nine years old that I was sitting watching television with a pair of scissors in my hand, snipping away at this somewhat substantial mop that I have been blessed with. After an hour or two of watching the television I went upstairs to hear my mother scream, "Steven, what have you done?" I looked in the mirror and I was virtually bald, except for a little tuft on the top of my head. I spent the next several weeks wearing a toque to school, feeling like a fool and being awfully embarrassed.

The point is that I experienced the embarrassment from peers who put a lot of pressure on because of some kind of silly act that I have never been able to understand why I did. My career in the industry of cutting hair ceased right at that moment; I did not get an opportunity to follow that up.

On a serious note, I am prepared to support the member's resolution. I believe it is a resolution that deals primarily, as the member for Markham said, with human dignity. I am sure we all have experienced either friends, acquaintances or even in many tragic cases loved ones who have had to go through chemotherapy, who have had an automobile accident or who have experienced some difficulties of this nature. We should support something that would allow a human

being, whether a young person or not, to go back into the world with some dignity.

I can understand the ministry's concerns about priorities. I am sure the member knows that the Ministry of Health is under tremendous pressure from very many different avenues to establish priorities to resolve people's concerns, and I can understand that. I cannot see this as being a burden that would strain the ministry's budget to the point that it would cause serious problems. Anything we can do within a reasonable way financially that would allow someone to go back into society, whether it is to school, sports, recreation, cultural activities, or whatever it might be, is something we should support.

We have to examine the priorities. As I said, I understand the ministry's concerns about priorities, but this is one that we should be able to fit into the overall prioritization of the concerns of our citizens. We should try to understand peer pressure. It is particularly strong with young people because, while we recognize the value of young people as a resource, we also know they can be brutally frank and honest in their assessments and their reactions to someone.

Something that happens to young persons at that particular age—witness my own experience from eight years old that I have never forgotten: I have never cut my hair since—can stay with them for their entire lives. I think it is important that we attempt to give them an opportunity to regain their dignity and to continue on with their activities.

I am delighted to have had an opportunity to speak in support of the member's resolution. I congratulate him as being someone I know who is very dedicated and committed to this cause. I am delighted to support him.

Mr Allen: I am likewise delighted to rise and support the motion that the member has put before us. In the course of being a critic for the disabled and in some other capacities in this House, I have had concerns about the whole assistive devices program and the prosthetic needs of people with a variety of needs, some quite extreme, others quite modest.

I am sensitive that the government has had some difficulty over the years, whether the past government or this one, in meeting all the budgetary requirements that the assistive devices demands place upon it. Including all age groups, including all those who need those supports, has obviously been a difficult task. Otherwise, I presume they would have all been financed long ago.

I have continued to press for coverages that do not now exist; for example, those who still must pay the 25 per cent cost with respect to securing the assistive devices program support for a wheelchair. That is a big cost. It is an item that most people who need wheelchairs can obviously ill afford. By the same token, there are other realms of disability that touch into the psychological, the question of human dignity that all members have touched upon.

I have two sons who have good heads of hair. They have just come out of their teens, and I have been quite interested in the things they try to do with their hair. Anybody who looks at young people has to realize that hair is a tremendously significant aspect of their lives. They even came home once, when they were away at university, and got themselves all dolled up like punks and walked in downtown Hamilton. I just about ran away and hid in the garage somewhere, waiting for the responses. But it was obviously important to them to experiment in that way and to put themselves forward in a new fashion.

One can only imagine, when one cannot do that, when one is restricted in one's capacity to respond to the demands to be oneself with one's peers, what that can mean to a young person. The member for Hastings-Peterborough has brought before us a very important resolution, one that we very easily overlook as being somehow small, trivial, when it is critically important.

I likewise have had adult friends who have undergone chemotherapy and for whom the whole question of hair loss was a very traumatic experience. If they had not had the capacity to afford hairpieces easily that put them out into the world again with a sense of themselves and some confidence, that whole experience of chemotherapy would have been a much more severe experience than was the case.

I rise with respect to the member and to those who have risen to support this motion and hope that all those in the House will give it their support. It merits the attention we have given it. I am delighted that the member has seen fit to bring it forward.

Mr Pollock: I want to thank all members who spoke on this particular resolution. I can appreciate the member for Ottawa East and his concerns in keeping a handle on the public purse and also the concerns of the member for Halton North (Mr Elliot) and the member for Scarborough West (Mr R. F. Johnston).

I have sat on committee with the member for Scarborough Centre (Miss Nicholas). I know her concerns about people. She is an individual who

wants to help her constituents. Special thanks go to my colleagues the member for Wellington (Mr J. M. Johnson) and also the member for Markham (Mr Cousens), who has far more experience in dealing with people than I have. I appreciated his remarks. I have known the member for Markham for quite some time and he is a very caring individual.

1100

I just want to make a few comments on the fact that they claim there are two million people in the United States who suffer from this condition, and you can usually divide that figure by 10. That means there are 200,000 people in Canada who suffer from varying conditions of alopecia areata, so it is a major concern.

One level that we have not even reached that they have reached in the United States is the fact that we do not even allow a charitable donation receipt for making a donation to alopecia areata. That to me is a little ridiculous in a way, because they are not doing it for the fun of it; they are concerned when they make a donation to one of these associations. I think that should be cleared up right quickly. I guess that might not be only the responsibility of the Minister of Health. Both the federal and provincial ministries would have to be involved in that particular case.

The age of 18 was continually mentioned. It is in there, but then I referred to students too, so it could go on beyond students. It was trying to take in people who did not have an income of their own. That is why I put that in there and those are my concerns.

INTERVENOR FUNDING PROJECT AMENDMENT ACT, 1989

LOI DE 1989 SUR LE PROJET D'AIDE FINANCIÈRE AUX INTERVENANTS

Mr Chiarelli moved second reading of Bill 85, An Act to amend the Intervenor Funding Project Act, 1988.

M. Chiarelli propose la deuxième lecture du projet de loi 85, Loi portant modification de la Loi de 1988 sur le projet d'aide financière aux intervenants.

The Deputy Speaker: The honourable member has up to 10 minutes to make his presentation.

Mr Chiarelli: Last year at this time this House passed the Intervenor Funding Project Act, 1988, which provides that certain broadly based public interest groups could apply to become interveners and receive intervenor funding in important

matters before the Ontario Energy Board and the Environmental Assessment Board.

The substance of my amendment is to extend coverage of this particular act to include the Ontario Municipal Board and to refine a particular definition in the act to make it clear that municipalities will be included as funding proponents so that funding orders might be made against particular municipalities.

When this particular act, the Intervenor Funding Project Act, was debated at third reading last year, it received all-party support. All parties spoke in favour of it and in fact voted for it. I think it is important that we look at the rationale of this all-party support and I think it can best be summed up in a quote from a speech of the Attorney General (Mr Scott) when he introduced this particular legislation.

In the words of the Attorney General: "Public access to government generally, and participation in judicial proceedings specifically, has been a major policy objective. Those with legitimate issues to articulate in the public interest before certain tribunals should be able to do so regardless of income."

The Intervenor Funding Project Act is a progressive piece of legislation. As I said, it received all-party support. It acknowledges that public interest groups have a role to play and should receive public funding in appropriate cases. But this particular act does not go far enough. If we look at the Ontario Municipal Board, we will see that it regularly deals with very important issues that affect the quality of life of the citizens of Ontario and with very important environmental issues as well.

The Ontario Municipal Board is a quasi-judicial body that makes its decisions based on very technical expert evidence and witnesses, usually introduced and adduced by expert legal counsel. Typically, we have three players in Ontario Municipal Board hearings on a major issue. We will have a municipality or several municipalities; we will have a private interest such as a corporation or developer, and the third component will be an umbrella group representing citizens, the public or the taxpayers.

At the present time we see municipalities with adequate budgets, technical in-house expertise and expert planners. They have the facilities to go out and hire consultants. We have the private interest that has an income stream; even if it loses in its application to the Ontario Municipal Board, its expenses are tax-deductible.

On the other hand, when we look at the citizens' groups and the public participation,

there is no income stream and no tax deductibility. They are not on a level playing field. Due to the fact that we acknowledge in this Legislature that the public advocacy role is an important role, I think it is important that we put that particular segment in major hearings before the Ontario Municipal Board on a level playing field. We can do this with my amendment.

While we all agree in this House that there is new respect for citizen advocacy, particularly in areas of quality of life and environmental concerns, there are still those who fear citizen participation as being frivolous, vexatious or not-in-my-backyard-related. While that may or may not exist today, that particular dynamic cannot exist under the Intervenor Funding Project Act and cannot exist with my amendment if it is approved before the Ontario Municipal Board.

I would like to refer to section 7 of the existing act which indicates: "Intervenor funding may be awarded only in relation to issues which, in the opinion of the funding panel, affect a significant segment of the public and which, in the opinion of the funding panel, affect the public interest and not just private interests." So we are not going to see local neighbourhood issues, severance issues and minor variances being eligible for intervenor funding under this proposed amendment.

Furthermore: "In deciding whether to award intervenor funding to an intervenor, the funding panel shall consider whether: the intervenor represents a clearly ascertainable interest that should be represented at the hearing; separate and adequate representation of the interest would assist the board and contribute substantially to the hearing; the intervenor does not have sufficient financial resources to enable it to adequately represent the interest; the intervenor has made reasonable efforts to raise funding from other sources; the intervenor has an established record of concern for and commitment to the interest; the intervenor has attempted to bring related interests of which it was aware into an umbrella group to represent the related interests at the hearing." So we see that the act itself provides that we are not going to see frivolous, vexatious or NIMBY-related hearings receive funding for hearings before the Ontario Municipal Board.

Now I would like to refer to an example in the Ottawa-Carleton area. I am sure that if we look at municipalities across the province, we will find example after example, but the Ottawa-Carleton Regional Transport Commission at the present

time is proposing a \$500-million to \$1-billion bus tunnel through the downtown core of Ottawa. There is a broad sector of community groups that are very interested in this proposal, that have some concerns and that want to be involved in a very meaningful way.

This is the type of issue that should be referred to the Ontario Municipal Board and for which an umbrella group should be able to receive intervenor funding, so that when it comes time to make representations before the Ontario Municipal Board, the group will have access to expert legal counsel and analysis of the facts and will be able to be put on a level playing field. It would show respect for the public and respect for the taxpayer in these very important matters.

In conclusion, I would like to say that if we accept the important role that citizens play in the quality of life and environmental issues today, the Ontario Municipal Board must be included in the Intervenor Funding Project Act. I feel that this House could do no less in acknowledging the role of public advocacy today in Ontario.

1110

Mr Charlton: It is a great privilege to rise and say right at the outset that I will be supporting Bill 85, and my sincerest congratulations to the member for Ottawa West for bringing this matter forward. I do not want any of the comments that I make during this debate to be construed as reflecting on the member for Ottawa West, because most of my comments will be directed at the government, as opposed to those of the private member who has chosen to bring this matter forward. Again, I congratulate him for having done so.

The amendment is an extremely important one for two reasons, one which I did not even hear the member for Ottawa West mention in his opening remarks. The first important reason is that, as we move through a growing era of public concern and public participation in our regulatory processes, we have to begin to understand that, as government and as representatives of the people, we have a responsibility to fund the mechanisms that allow us to ascertain, to the best of our ability, what the real public desire and need is in any circumstance.

For example, not only do I support this amendment to include the Ontario Energy Board in this piece of legislation, but the reality is that ultimately, under the conditions that are set out in section 7 of this act, any public regulatory hearing process should be subject to intervenor funding when the intervention is an appropriate one in the public interest. That should include

hearings under the Liquor Licence Act or any other piece of legislation that may impose on a community something that that community may not want to have in its proposed form or at all.

The second important aspect of this amendment that has been moved by the member for Ottawa West is the change he has made to the definition of "proponent." I think it is also a very major and significant change. As the act now reads, the section defining "proponent" refers to "a major financial beneficiary of the decision of the board."

The member for Ottawa West has removed that word "financial" and "a major beneficiary of the decision of the board," which in fact makes that definition of "proponent" a much broader one and covers a lot of things that "financial" certainly does not touch, things that can be extremely important to the larger general public and to specific parts of the communities that may be affected by proposals from a proponent that may not have a major financial gain to make as a result of a proposal. For example, the existence of some kind of waste storage facility by a proponent may not represent a huge financial gain, but it certainly may represent a serious concern to a community.

Again, I applaud the member for Ottawa West for coming forward with this amendment, but I have some serious concern about the fact that we need to be here at all debating this amendment today, and that is where my comments will focus on the government. We passed this piece of legislation in Bill 174, creating this intervenor funding pilot project legislation, last December. During the course of the debate on Bill 174 and in committee of the whole House on 14 December last year, exactly a year ago today, my colleague the member for Etobicoke-Lakeshore (Mrs Grier) moved precisely the amendment that we have before us here today.

"Mrs Grier moves that section 1 be amended as follows: That the definition of 'board' be amended by striking out the words, 'or the Environmental Assessment Board,' and by inserting in lieu thereof the words, 'the Environmental Assessment Board, the Ontario Automobile Insurance Board or the Ontario Municipal Board.'

Members will notice that my colleague the member for Etobicoke-Lakeshore had included another board in that amendment as well. That second part of the amendment which she moved would not be necessary today because of the government's need to have withdrawn its legisla-

tion around the insurance board. However, the amendment was moved.

My colleague in the debate went through very many of the same comments that were made here today by the member for Ottawa West in dealing with some of the expressed concerns about including the Ontario Municipal Board in this legislation, the concerns around frivolous interventions. I quote from her comments last year:

"There is, I am sure, the fear on the part of the government that if you include the Ontario Municipal Board, everybody who has an objection to his neighbour's garage or a committee of adjustment decision is going to be seeking intervenor funding to appear before the Ontario Municipal Board. Obviously, if you look at the process included in this bill, the funding panel has the right to determine whether or not intervenor funding is justified. I think it is highly unlikely that a citizen with a very direct private interest in an issue, such as an objection to a neighbour's expansion or a committee of adjustment decision, is going to qualify for intervenor funding under the criteria that are set out so explicitly under section 7 of the bill that is before us today."

All of the things that we are talking about here today were talked about in precisely the same form one year ago today. It is the government's response at that time that I would like to take just a few minutes to deal with, because it is the government's response at that time that concerns me about having to deal with this here today and to wonder where the member for Ottawa West's bill will end up, assuming that it is going to pass today.

The parliamentary assistant to the Attorney General essentially handled this bill in the House last December—that is, the member for Mississauga North, now the Solicitor General (Mr Offer)—and what we heard from him as the government's rationale for not supporting this amendment last fall is what I would like to focus on:

"We cannot support this amendment, but we would like to indicate that the use of legal aid rates under this legislation is a minimum..."—I am sorry. This is not the correct quote. Here we are. The parliamentary assistant had a habit of using those words frequently on that afternoon, hence my confusion. "First, let me indicate that we cannot support the amendment put forward by the honourable member.... However, I would like to indicate that I think one of the concerns the member has issued is: 'You have this one person making a decision. What recourse is there in the

event that the decision is, in terms of the intervenor funding, somewhat negative?"

1120

The kinds of arguments that were used against the amendments last year were technical arguments that again, if you look at section 7 and the criteria under which intervenor funding would be allowed, were irrelevant to that debate. The member for Ottawa West has made that point clearly today. The kind of technical and to some extent emotional concerns about frivolous interventions getting funded with public dollars do not exist.

Another point that was made by the parliamentary assistant at the time had to deal with: "Very briefly, the current legislation might cause some technical problem since it states that 'a board shall not commence a hearing....' Depending on the nature of proceeding, a hearing may have already been technically commenced when a determination of intervenor status has been made."

The parliamentary assistant goes on to talk about this question of intervenor funding and the fears, again, of what may happen in the course of that. He said: "To begin, 'The principal purpose of the bill,' as very clearly indicated in the explanatory note, 'is to establish a three-year pilot project to provide intervenor funding, bona fide public interest intervenors at hearings before joint boards under the Consolidated Hearings Act, 1981, the Environmental Assessment Act and the Ontario Energy Board Act.'"

As the last rationale which the government used against the amendment of the member for Etobicoke-Lakeshore—the rationale that this was a pilot project which was intended to focus on intervenor funding in three specific areas, areas which also overlap with the Ontario Municipal Board in the hearing process and even in consolidated hearings, as we are all well aware—if it was really a pilot project to identify how this kind of intervenor funding operation under this legislation would operate, then the pilot project should have been as broad, within the definitions of what was acceptable or what was a real public interest, as is possible. If we want to know at the end of a pilot project how intervenor funding works in a number of circumstances and how it should be applied in a number of circumstances, we have to attempt all the ways that we can of applying that principle.

As I have said, the three pieces of legislation that the parliamentary assistant referred to, the Consolidated Hearings Act, 1981, the Environmental Assessment Act and the Ontario Energy

Board Act, are all three of the acts that get lumped under the Consolidated Hearings Act. So too is the Ontario Municipal Board Act, and to exclude it in a pilot project to see how intervenor funding in that sector is going to work makes absolutely no sense and avoids the very points that have been raised by the member for Ottawa West.

I am going to wrap up my comments by saying that I support Bill 85. I know my colleague from Etobicoke-Lakeshore will support it as well. I again applaud the member for Ottawa West for bringing this forward, and I have a sneaking suspicion that although the government lined its members up to defeat this amendment just a year ago today, this private member's bill will pass here today.

Again, I am not making cynical comment about the member for Ottawa West but about the government process here. I have serious concern about where Bill 85 will get lost after today, because I am almost sure that it will not be allowed to become part of the legislation that it is intended to amend, legislation that we passed last December setting out intervenor funding pilot projects over a three-year period.

I would urge all members to support the bill and I would urge members of the government party to bring to bear some pressure on their colleagues in the cabinet to allow this bill to proceed.

Mr Cousens: It is interesting that when the House comes to private members' hour, we have a chance to do what we want without too much control by the whips and by caucus and can then act according to our own conscience.

I guess that is what really happened to the member for Ottawa West. What I see here is an example of a Liberal who is thinking for himself and who really did not realize that his own Liberal caucus had voted down a number of amendments that would have accommodated the very bill he has tabled for us today.

It could be a number of things that have caused this to happen. First, when last year the Liberal caucus voted down amendments that would have made this happen, he was not around or realized it was going on. It could have been that the whip came along and said: "Member for Ottawa West, you have to toe the line. We have to put on a solid form of appearance that we're all working together." It could have been that he listened to him that day.

It is also a fact that, since that time, maybe this member has had a chance to rethink what it is he should be doing that is the right thing to do for the

province of Ontario and, therefore, in his own good conscience, has come forward and said: "I don't care what the caucus whip says to do. I'm going to do what I believe in myself."

What he has done is go back and relook at it and come forward with a number of recommendations which I am going to support. I think it is also an indication that we are in a position here in this House to do what we believe to be right.

I would like to temper my remarks with a number of controlling statements that qualify my support. It is unfortunate that we are not coming forward with significant changes to the Planning Act or significant changes to how people can get before the Ontario Municipal Board. Tremendous power resides under the Planning Act and within the hands of those members who are on the municipal board. I would like to say that I have respected very highly the people who have been placed on the municipal board in my experience during the eight and a half years that I have been a member of the Legislature.

It is quite amazing that a group of people have to interpret all the different cases that come before them with the support of developers and town councils and all kinds of groups, yet they are able to sift it through, listen to all sides and then come forward with a decision. I do not always agree with their decision but I have a sense in myself that the Ontario Municipal Board works in Ontario.

I guess I worry, though, that many cases end up going to the Ontario Municipal Board that are frivolous, take an awful lot of time and cause a tremendous amount of investment by developers of varying sizes to be tied up. It could be the developer of a small plaza on a corner or it could be someone who is just putting up three or four houses or it could be a 600-acre subdivision. It is unfortunate that there is no way of sifting and sorting those through so that some of the cases that come before the board that really are not important are set aside.

Unfortunately now, everything goes through and there can be an awful lot of time tied up. Time is money and the time that is tied up within the Ontario Municipal Board on some of these cases can be a very extravagant cost and pushes up the price of property and development.

I think that we in our province have to make sure there is always a balance between those people who have a genuine case of concern and out of conviction want to fight it and also a case for those who want to do development. It is striking that balance that we have trouble doing within the province.

We will see a development, such as the Langstaff jail farm site, over 600 acres in Richmond Hill, property that was sold by Metropolitan Toronto to the town of Richmond Hill, and members know the kind of time it takes to process the official plan amendments and the situations around that, and appeals to the Ontario Municipal Board take almost as long as some very, very small parcels of land that have to be considered. So we are out of whack on what is getting all the attention. On the other hand, one will have another 600-acre subdivision that gets very speedy approval and the public really did not know that it was going on.

1130

To me, there is a responsibility in a number of areas. I would like to see the Municipal Act, the Planning Act and the guidelines of the Ontario Municipal Board changed to somehow make it easier to have the big cases get more attention and the little cases, if there are concerns that people have, take less attention and speed up the process. I say that out of a sense that we are all losing if we spend too long having things just go through the system. The red tape now is horrendous for people who want to develop land and make things happen in the province.

Another thing I would like to see changed under the Planning Act would be that when the province owns land, the province should be forced to go through the whole planning process as does any other developer. As it stands right now, the province is exempted from that and I think that is wrong. I am really quite worried about what will happen in my riding in the town of Markham when the province may come along and have plans for its thousands of acres in the east end of town and could do what it wants with that land and we, as a community, will have very little power to do anything about it.

It goes back to what rights an individual has to fight for what he or she believes in. The fact that the small person—I call it a small person; it could be any height, any size and any shape—does not have a lot of money makes that person smaller in his or her own mind compared to the power that exists for those that are the developing firms that have lawyers and professional staff to assist them with their cases. So if there is a group of people concerned about a project, how do they represent those views before the Ontario Municipal Board?

First of all, I think there is an intimidated sense that they might feel that they cannot stand up with the big guys and make their case. That is unfortunate. What this amendment to the intervenor funding would do for them is that when

they get together and they have a consortium and they have a case that is legitimate in their own minds and it is presented for funding, they might well have their case paid for as it is presented before the Ontario Municipal Board. That will help strike a balance for all of us in our society. We have to always be willing to listen to whoever it is who has something to say.

Last night I felt that my rights in this Legislature were violated when, in fact, the First Deputy Chair would not acknowledge that I wanted to speak. I felt that my rights had been very seriously taken away by virtue of the fact that I wanted to stand up and speak and he would not even look this way. I have asked the Speaker of the House to look into this and I know the Speaker will be reporting back.

I have to tell the members there are small people around in Ontario who feel they are not heard. They have no recourse to have someone give them an audience. There is no way in which their view can be represented. There is no way that they can feel their sense has been considered among all the other views that have been considered.

So what we have before us today is an amendment—not a big amendment; in fact it does not take an awful lot of words to make a significant change. What we are going to do now is provide equal resources to intervenor groups that would greatly enhance the quality of the hearings by giving these intervenors the opportunity to raise and canvass important issues that otherwise might not have emerged.

In the past, this Liberal government has given intervenor assistance on an ad hoc basis. Recent examples include the liquefied natural gas inquiry before the Ontario Energy Board, the Royal Commission on Electric Power Planning in Ontario, the environment assessment hearings of the Ontario Waste Management Corp, the timber management plans, the waste management master plan of Halton region. There are examples where intervenor funding has been made available and where in fact it gave people a chance to make their case known.

What we are saying now is that whoever is able to come together with a group of people and have a case they want to present—not just frivolous cases that are going to have delaying tactics, but instances where they have a sense of the community; where there is a ratepayers group; where someone who does not have the presence and the financial stability and the financial backing will be able to do that.

I believe the amendment that is being presented by this motion by my friend the member for Ottawa West will now give to nonrepresentative groups the ability to be able to speak up and make their statement before the Ontario Municipal Board.

I really become concerned at spending money. I do not spend it that much at home and I feel the same way when we are in the province of Ontario. We have to be frugal, we have to run a tight ship. It is to the credit of the member for Ottawa West that he is not asking for money out of the public purse. That is quite unusual for a Liberal, because all that most of those guys can ever do is spend the public's money. They are doing it all over the place. They just throw it away.

None the less, here is one good Liberal coming forward with a way in which the funding for intervenor status, if it is approved in this amendment, would be paid by the proponent; that is, by a group, a developer or a municipality or otherwise that would be a major beneficiary of a decision by the Ontario Municipal Board. Thus, the proposed legislation does not call for expenditure of public funds.

I recently had to make a decision on the standing committee on the Ombudsman not to support the extension and expansion of the Ombudsman because it was going to cost more money. I think we have to somehow put the lid on spending in the province of Ontario. Every one of us has to look for ways to cut costs. If we want improvements and we want changes, and we do, we have to do it within our means. We are spending ourselves out of business. We are going to lose our competitive status in the whole world if we do not somehow keep our costs under control here in the province. The member for Ottawa West has done that within his motion. He has said the costs of this will be paid for by the beneficiaries who would be involved in any kind of intervenership.

There are a number of things I could say in addition to this. I know that one other honourable member wants to speak to this motion. In that case I will just make a few other points, because as we wind down this debate there is not an awful lot of time for the other member. I understood that one of the members has now indicated that he would rather I just closed it off.

What I have to do is just go back to the whole sense of what an intervenor is. An intervenor is a person who wants to make a statement, a statement that represents another view from that which is being presented. All I would like to do is

make sure that everybody who knows that we live in a democratic state here in the province of Ontario takes advantage of that right, takes advantage of standing up and going before an Ontario Municipal Board and letting that case be heard.

Several years ago I took the position of an intervener before the Ontario Energy Board hearings. Tremendous power resides in those people who are willing to stand up and make their views known. These boards are pleased when the public participates; I am pleased. We have that right in this country. They do not have it yet in eastern Europe. They might be getting it shortly as they open up and democratize. We might see it in East Germany and Czechoslovakia. We have those rights now, so let's take advantage of them. Let's value them, let's covet them and let's support the people who want to make those statements that they should be making.

Let's make sure that if it requires professional assistance in the form of professional lawyers, legal expertise and accounting expertise in order to make that case that they are able to put it together. That will happen with this kind of recommendation by the member from Ottawa West. We have a responsibility to fight for democratic rights. We have a responsibility to give those rights to the people of our province and to make sure that they are fulfilled. This small amendment will help that happen on cases that are heard before the Ontario Municipal Board.

I do not know how every other member is going to vote in this House. I personally will be supporting the motion in the sense that now it is another small step further. I only wish that the member had come back and looked at some of the other broader issues, because if you want to intervene right now there is not enough being done in this province on environmental matters. We do not have a case to be proud about.

One can cut down any tree one wants in the province. We do not have any protection for trees in this province. They do in Britain, they do in other countries, but we have to have a sense of protecting the environment all around. Some people laugh when I say that, but I happen to be one who has really become far more committed to environmental concerns and there is nothing of the environment in the Ontario Municipal Board or under the Planning Act that is giving importance to environmental matters.

1140

Maybe—maybe—by supporting this bill, those people who have a genuine commitment to the

environment will have a protector to stand up with them to make their case before the Ontario Municipal Board. If that goes one small step further to protect the Rouge Valley system or to protect our trees and our natural environment, then we will have made another step forward.

I will support this amendment and thank the member for Ottawa West who gave us a chance to participate in this debate.

The Acting Speaker (Mr Cureatz): I would like to thank the honourable member for Markham for participating in the private member's resolution by the member for Ottawa West, Bill 85, An Act to amend the Intervenor Funding Project Act, 1988. Continuing on in the debate.

Mr J. B. Nixon: I rise to speak in favour of Bill 85, An Act to amend the Intervenor Funding Project Act, 1988, as it is brought by the member for Ottawa West.

Prior to getting into a discussion about the specific proposals made in the bill, I want to suggest to the members that this bill is about something that we all care very much about; it is about democracy and, more specifically, the right of the citizenry to be heard on public interest matters which affect a significant segment of the public. That wording did not come to me loosely; it comes directly from the original act. It is about the right of the citizenry to be heard on public interest matters which affect a significant segment of the public.

The debate of that issue and the debate of democracy within the context of cities, I suggest, is an old debate. It is a continuing debate, but it started over 2,000 years ago when Plato was writing about the nature of cities and about cities being created when humans came together in a group to fulfil the needs they had because they could not do them on their own; they could not do them because they were not self-sufficient.

He wrote a book called *The Republic* and he spent many, many pages and long chapters debating the types of cities and leaders in those cities; which were best and which were worst for mankind. He talked about aristocracies, oligarchies, tyrannies and democracies. He came to the conclusion, none the less, that whenever one group takes over in a city, whenever one element takes over in a city—and I use city in the broadest context, that of a community—evil has entered the city and the goodness in the leaders and the goodness in the population is pushed out. He suggested as a counterbalance that the ally of the citizenry is the law. What we are dealing with here today is the law and how the citizenry, the

community and the city can use it to ensure that they have a good city and a good community.

Plato went on for, as I said, many, many books and hundreds of pages discussing these issues. By 1840, there was a gentleman named Alexis de Tocqueville from France, who travelled the growing democracies in the United States. He believed that these truths were self-evident; they did not need debate. He stated quite clearly, "A nation may establish a system of free government, but without the spirit of municipal institutions, it cannot have the spirit of liberty." This bill speaks to the spirit of liberty in municipal institutions which radiates outward through to the entire community.

None the less, today the cities and communities we deal with are much more complex and much more sophisticated than they were either in Plato's time or in de Tocqueville's time. They are bigger, they are more complex and some indeed may say that some of our cities are world-class. I abide by that, but world-class cities often have serious problems. The serious problems that the members know of and which we all know of are debated in this Legislature. They include traffic congestion, lack of affordable housing, inadequate infrastructure, increased pollution, crime and stress, loss of agricultural land and loss of open space, destruction of established neighbourhoods, inadequate access to social services and strained municipal budgets. We debate those issues. We know those issues exist today. The citizenry knows those issues exist today. The media know those issues exist today.

None the less, I would suggest that not all of the citizenry has an opportunity to express its views on these issues. Those problems I alluded to, the traffic congestion, lack of affordable housing and so on, are symptoms of a larger problem. In today's cities, there is a new citizenry. In de Tocqueville's time and Plato's time the citizenry was the people. Today, we have a legal system which grants personal status to inhuman bodies—corporations. We have corporations today which participate in public planning decisions. They are not elected. They cannot elect people. None the less, and rightly so, we rely on them to produce goods and services for us and their representatives participate in the planning process.

My question is: Who else should participate in the planning process? Others do: elected representatives at the municipal level. On some occasions individuals participate. On some occasions interest groups participate. On some occasions community representatives participate

and on some occasions the representatives of the corporations participate.

I can look only at my own riding and ask how many of those people would like to participate in planning decisions. I can tell members about the Muirhead family, which farmed in the Don Valley region for 150 years, still resides in the community and has views on that community and its growth. I can tell members about the North York Concerned Citizens for Civic Affairs, which has strong views on the development of the Don Mills community, the North York neighbourhood centre. I can tell members about the Federation of Ontario Naturalists, which has strong views on the use of our wetlands, our ravines and how suburban development should or should not encroach upon those provincial treasures. All of those people, individuals and groups and communities, have views on how their community should be developed.

On the other hand, posed against that proposition that their views should be heard, we say, "We are all elected representatives. We are all elected to municipal or provincial or federal legislatures to express the views of our constituents." Yet we all know we cannot make all decisions for all people, and we do not. We cannot represent all views of all of our communities at all times on all matters, and we do not. I suggest that there have to be other forums for expression of those views, for a hearing of those interests.

None the less, with respect to this bill, I hope I can speak for many members, if not all members, of this Legislature. The bill, as members know, is to specifically include the Ontario Municipal Board as one of the designated boards for which intervenor funding would be available to individuals or groups on certain conditions.

With respect to the member for Ottawa West, it is not a new view. It has been debated in the Legislature. I understand the member for Etobicoke-Lakeshore moved an amendment to a previous piece of legislation requiring that the Ontario Municipal Board be added to the definition of the board of intervenor funding projects. It was supported by the member for Mississauga South (Mrs Marland) who talked about the need for the Ontario Municipal Board to qualify equally with the Environmental Assessment Board as a designated board for the purpose of intervenor funding.

I would like to touch briefly upon the mandate and scope of the Ontario Municipal Board and what it does. It has a broad mandate. There are 80 public acts which give it jurisdiction. There are

100 private municipal acts which give it jurisdiction. Currently, it has the authority to award costs, but the cost awards power of the municipal board is very restricted. Cost awards are in the discretion of the board. The board may order; it does not promise to order. It may order that costs be paid and on certain scales. In other words, all the costs do not get paid. Certain costs get paid at the discretion of the board.

Keep in mind that of all of these matters that appear before the Ontario Municipal Board, a small minority—less than one quarter of the matters that appear before the municipal board—deals with zoning bylaws, with official plans or official plan amendments, or with plans of subdivision. I believe that is what this bill focuses upon: those significant planning matters which affect a broad community interest on which the citizenry has a right to be heard as it is a matter of public interest, a matter that affects a significant segment of our political reality of our community.

1150

There are lots of people, members should know, who have suggested that this amendment to the original intervenor funding bill proceed. The Canadian Environmental Law Association spoke out strongly in favour of this amendment. It proposed, among other things, that it will bring a balance to the discourse before the Ontario Municipal Board. Do not forget—at present, community groups or interest groups that appear before the municipal board fund themselves on the basis of after-tax dollars. Corporations that appear fund themselves with pre-tax dollars. Municipalities that appear fund themselves with the taxpayers' dollars. Every ratepayer contributes to the municipality's appearance before the municipal board. So already, anyone who wants to appear before the board who is not a corporation or a municipality has not only a financial disadvantage, but a tax disadvantage.

The member for Ottawa West is proposing not that this funding come from the public purse but that this funding come from the proponents so that there is a full discussion on public interest matters before the board. The Preservation of Agricultural Lands Society, which has fought so long and so hard in our community for the preservation of the fruit lands and the vineyards in the Niagara region, supports the member's amendment. The Christian Farmers Federation of Ontario supports the member's bill. They believe, and I think rightly so, that community groups are not equal on financial grounds to

major land owners, developers or municipalities when they appear before the OMB.

The Ontario Waste Management Corp has had some experience with intervenor funding. It says that one of the advantages of intervenor funding is that it brings a better focus on key issues. It fosters a consultative process, rather than an adversarial one. Indeed, the American experience with intervenor funding is that it actually reduces the time before the joint boards or the specific boards because people are constrained to make their best case, rather than to try to delay the process.

I suggest there is a lot of experience with intervenor funding in other jurisdictions from which we can learn and perhaps use to modify this bill in committee. Many people have concerns about the bill. AMO, the Association of Municipalities of Ontario, as I understand it, has not taken a position. It has concerns about who would be entitled to appear or who would be entitled to have funds. The member for Etobicoke-Lakeshore pointed out that any type of intervenor funding made available to proponents or opponents before the municipal board should not be for committee of adjustment variances or minor bylaw adjustments. That is not the purpose.

The Canadian Environmental Law Association made its views quite known. It says:

"It may be argued that adding the OMB may prove to be too unwieldy in light of the numerous minor cases brought before the board. However, it should be pointed out that under section 7 of the act, a funding panel has discretion to refuse the award of intervenor funding where issues to be raised do not affect a significant segment of the public and do not affect the public interest as opposed to private interests."

Section 7 of the existing legislation may need to be expanded in committee discussions. However, it sets out under subsection 7(2) clear restrictions on the entitlement to intervenor funding. The intervenors must have a clearly ascertainable interest. They must need separate and adequate representation that would assist the board. They must prove they do not have sufficient financial resources. They must make reasonable efforts to raise funding from other places. They must have an established record of concern before they ask for intervenor funding. They must prove they have attempted to bring all related interest groups together in an umbrella group, so that we are not funding every little group that comes along. They must have a clear proposal as to how they will use these moneys.

Those restrictions, I submit, are sufficient to assuage the concerns of those who might be concerned that this could run amok. It will not run amok. This bill is simply about the right of the citizenry to be heard on public interest matters, not private interest matters, which affect a significant segment of our population, of our political reality, of our cities, of our communities.

These are issues about which we are all concerned. Because of the nature of an elected representative democracy, we cannot all usurp on to ourselves the exclusive right to speak on issues on which there are legitimate views to be heard, to be spoken, before the appropriate tribunal which is making decisions of a very long term nature.

The Speaker: Thank you. The member's time has expired. I believe the member for Ottawa West has up to two minutes to respond.

Mr Chiarelli: First, I want to thank my colleague the member for York Mills (Mr J. B. Nixon) on the government side, the member for Hamilton Mountain (Mr Charlton) for the official opposition, and the member for Markham for the third party for supporting my amendment to this particular legislation.

I want to refer very briefly to a couple of comments that were made in debate here today. First, the member for Hamilton Mountain emphasized—I think it is important to emphasize, because a number of my colleagues have raised this point—that my proposed amendment could be used in a frivolous or vexatious manner.

The act itself, the Intervenor Funding Project Act, has provisions which will prevent any intervenor group from being frivolous because under section 7 it defines the issues as those which, in the opinion of the funding panel, affect a significant segment of the public and which, in the opinion of the panel, affect the public interest and not just private interest. Subsection 7(2) has very strict qualification requirements for intervenor funding groups.

The member for Markham mentioned the fact that frequently there are matters before the Ontario Municipal Board which delay progress and the time costs various groups or individuals a

lot of money. The member for York Mills has mentioned that, in cases where there are properly funded intervenor groups, the time period before boards is in fact expedited, because what you then have are participants in the process with access to proper expert advice and legal counsel. They participate in creating solutions rather than being part of the not-in-my-backyard phenomenon which some people think public advocacy is.

It is not part of the NIMBY phenomenon; they are, in fact, part of creating a solution. So I would say to the members, let us have confidence in the people, the public, who elected us.

PROSTHETIC HAIR REPLACEMENTS

The Speaker: Mr Pollock has moved resolution 36.

Motion agreed to.

INTERVENOR FUNDING PROJECT AMENDMENT ACT, 1989

The Speaker: Mr Chiarelli has moved second reading of Bill 85.

Motion agreed to.

Bill ordered for committee of the whole House.

Mr Charlton: Are we not going to have this bill referred to the standing committee on administration of justice?

The Speaker: As the members know, the standing order states very clearly that when a private member's bill is passed it automatically goes to committee of the whole House, unless a majority of the House wishes otherwise. However, I believe the tradition of this House is that the request usually comes from the presenter of the motion.

Mr Chiarelli: I would so move, Mr Speaker.

The Speaker: Mr Chiarelli moves that Bill 85 be referred to the standing committee on administration of justice.

The House divided on Mr Chiarelli's motion, which was negatived on the following vote:

Ayes 14; nays 19.

The House recessed at 1203.

AFTERNOON SITTING

The House resumed at 1330.

SUPPLEMENTARY ESTIMATES

Hon Mr Elston: I have a message from the Honourable the Lieutenant Governor signed by his own hand.

The Speaker: The Lieutenant Governor transmits supplementary estimates of certain additional sums required for the services of the province for the year ending 31 March 1990 and recommends them to the Legislative Assembly. Signed by His Honour Lincoln Alexander.

MEMBERS' STATEMENTS

TRANSFER PAYMENTS TO MUNICIPALITIES

Mr Laughren: A couple of weeks ago the Treasurer, Maximum Bob Tax-to-the-Max Nixon, made his announcement on transfer payments which stated that among other things the unconditional grants to municipalities would be increased by 4.8 per cent in 1990, to \$914 million. This below-inflation increase follows an absolute freeze on unconditional grants in 1989 and is forcing many municipalities to either cut services or levy double-digit property tax increases.

This amount of increase in unconditional grants is actually a reduction in payments to municipalities, given the level of inflation and the rate of population growth in the province. According to Treasury figures, Ontario's population will have increased 3.4 per cent from 1988 to 1990. In this two-year period unconditional grants to municipalities increased by a total of 4.8 per cent. This means the effective rate of increase, not including inflation, will be only 1.4 per cent, but given an increase in Ontario's inflation rate of 11.5 per cent in the two years 1988 and 1989, the unconditional grants to municipalities have been falling behind by 10 per cent in real dollars in these past couple of years. This inadequate level of unconditional grants to municipalities has simply got to stop.

TORONTO AREA TRANSPORTATION

Mr Cousens: I met with the Honourable Benoît Bouchard, the federal Minister of Transport, and had the opportunity to advise the minister of the Ontario Progressive Conservative Party's growing fears for the future of commuter transportation services in the greater Toronto

area. We are concerned that the Ontario government is failing to address a looming crisis in transportation and that a constructive dialogue must be established between all levels of government if we are to face the challenges of the 1990s and beyond.

The greater Toronto area is one of the fastest-growing urban centres in North America. Proposals for hosting the 1996 summer Olympic games, and now Expo 2000, require immediate action by all levels of government if we are to successfully accommodate these events. However, what is even more important is that we are losing sight of the need for basic transportation systems for everyday residents of the greater Toronto area, regardless of whether or not we host these international events.

In my capacity as chairman of the Progressive Conservative Task Force on Transportation in the GTA, I presented to the Minister of Transport our views on the principles for the current state of transportation in the GTA. I noted that Ontario must make commuter services a much higher priority and that doing so will require assistance and co-operation on the part of the federal government.

We discussed proposed changes to passenger service under Via Rail and I am encouraged that the federal government is prepared to work with the province in devising alternative commuter services that use rail. This province has an excellent opportunity to take advantage of these changes and, with the federal government involved, to develop commuter transportation services.

FEDERATED WOMEN'S INSTITUTES OF ONTARIO

Mr McGuigan: It is my pleasure to stand in the House today to recognize the Federated Women's Institutes of Ontario. The institutes number more than 20,000 members and they have taken for themselves the task of being leaders in the efforts to reduce, reuse and recycle waste.

The Women's Institutes have adopted the theme "A Decade of Women and the Environment." The decade ends in 1997, which is also the 100th anniversary of the Federated Women's Institutes.

A few weeks ago the southwestern area women's institutes hosted a workshop focusing on recycling and waste management. The agenda

dealt with recycling, composting and reuse of household items that have been consigned to the landfill. The members of the Women's Institutes have taken the environmental issue seriously and to heart.

As well, the Kent area group has been actively putting pressure on the county and municipal politicians to accelerate their introduction of a county-wide recycling program, with some success I am pleased to say. I am certain also that the Minister of the Environment (Mr Bradley) has heard, and will hear, from this group.

The women of the institute have also been involved in assisting in the education of our young people in the values of reducing the waste we produce. It is volunteers such as the women of the institutes, working with our government, who will bring the greatest success in waste reduction, not the force of government alone.

I congratulate the members of the Federated Women's Institutes of Ontario and I am glad they are there to help us and to push us.

ONTARIO CENTRE FOR RESOURCE MACHINERY TECHNOLOGY

Miss Martel: Several weeks ago the Ministry of Industry, Trade and Technology announced the closure of the Ontario Centre for Resource Machinery Technology in Sudbury. As a result, some \$6 million will be freed up to be used elsewhere by this government. The question is, where will this money now go?

My colleague the member for Nickel Belt (Mr Laughren) suggested the funds be redirected into the northern Ontario heritage fund. This was, and is, a legitimate request. However, given that only \$5.3 million out of a possible \$30 million was drawn out of that fund this year, perhaps the technology money would get a better bang being placed elsewhere.

Specifically, the Sudbury Board of Education has proposed that a substantial portion of this money be directed into the board's technology programs. These include the science and technology program and the technological studies program.

With the first, moneys would be used to expand the present program and upgrade the equipment in the technical shops. In the second case, the funds would help develop this new project which attempts to foster interfacing between science and the computer. This would supplement the moneys and equipment which have already been provided Inco, the Ministry of Northern Development and Mines and Laurentian University.

The board's proposal is sound and would ensure that its technological programs are comparable to those provided by larger southern Ontario school boards. Rather than sloughing this \$6 million back into the consolidated revenue fund, this government should commit funds to the Sudbury board's proposal.

ASSISTANCE TO FARMERS

Mr Villeneuve: The federal Department of Agriculture's outlook is forecasting an eight per cent decline in farm income this year and no better performance next year. In fact, net farm income in 1990 is projected to drop by almost 40 per cent across Canada, a reduction of gigantic proportions.

One program that Ontario farmers have had up until now is one which provides some relief from high interest rates. The Ontario family farm interest rate reduction program was not available this year even though real interest rates were higher than when the program was first initiated.

The only explanation is that 1989 was not an election year. As speculation starts to build about the 1990s we hear that the Minister of Agriculture and Food (Mr Ramsay) and one of his parliamentary assistants are again talking about interest rate relief.

Yesterday, in response to my question, the minister stated that farmers would have to wait until spring. They cannot wait until next spring. This government has already set the precedent by announcing transfer payments in the late fall so that municipalities and school boards can plan their budgets. Surely farmers must be as important, and they do need the same planning time for next season.

Let's bring agriculture away from the back burner and put it back on the front stage where it really belongs. It is the major industry of our province. This spring's budget will be too late. Ontario needs action; Ontario farmers need action now.

HAZARDOUS WASTE DAY

Mr Adams: The Kinsmen Club and the city of Peterborough recently organized a highly successful Hazardous Waste Day. Hundreds of people waited patiently while Kinsmen volunteers in protective clothing processed paint, oil and other household wastes which had been sitting in basements for years.

This Hazardous Waste Day was part of the city of Peterborough's determined drive to dispose appropriately of waste which is not easy to handle. This day was one of more than 60

household hazardous waste days held by communities across Ontario.

Our society produces many products which are simply too dangerous to be left at curbside for pickup within reach of children. We need special methods and facilities for handling such waste. I was interested to see that Metro has a toxic taxi service to pick up its hazardous waste.

My sincere thanks to the Kinsmen of Peterborough and other volunteers who are helping communities to come to grips with the serious problems of disposing of household hazardous waste.

1340

PROPOSED HOSPITAL MERGER

Mr Reville: On several occasions in the Legislature recently, I have raised the question of the merger of Women's College Hospital with the Toronto Hospital corporation and particularly my concerns about the undue haste with which the merger is being prosecuted and the secrecy surrounding the details of the merger.

Last night, the local board of health for the city of Toronto created an opportunity for public discussion of the merger and people came forward and shared their views with the local board of health. At the conclusion of a significant public discussion last night the local board of health for Toronto voted to oppose such a merger and further voted to request the Minister of Health (Mrs Caplan) to refer the entire matter to a standing committee of the Legislature for public discussion and recommendations back to the Legislature.

It may not be known to all, but the standing committee on social development does not have a whole lot to do during the recess. I cannot think of a better job for it than to allow the people of Ontario to come in and share their views about the future of Women's College Hospital. How about it?

GASOLINE PRICES

Mr McLean: My statement is for the Treasurer (Mr R. F. Nixon) and it is about the way gasoline prices fluctuate widely around Ontario, even at Earl's Shell Service.

I recently determined that the average price for one litre of regular unleaded gasoline in Ontario is 51.7 cents. Of that amount the dealer margin is 3.5 cents and this government collects a tax of 10.3 cents. As well, this government's gasoline tax is scheduled to increase to 11.3 cents as of 1 January. The Treasurer's gasoline tax increases

will pump approximately \$297 million into his government's coffers over a period of one year.

The Treasurer claims he monitors gasoline prices closely, and yet he recently quoted one-year-old gasoline prices when he was questioned about this matter by one of his own backbenchers. Apparently he is not monitoring this situation as closely as he claims. As I mentioned earlier, the increased provincial gasoline tax will generate \$297 million.

Just what is he using this windfall for? I think that anyone who drives on Ontario roads and highways can see quite clearly that revenue generated by gasoline tax is certainly not used to improve the quality of our road system in this province. The state of our roads affects commercial traffic, as well as the tourism and hospitality industry, which is the second-largest employer in Ontario. Our roads are the lifeline linking communities, families, businesses and services. Our roads are deteriorating at an alarming rate. Our roads are going downhill just as quickly as the Treasurer's government.

PASSENGER RAIL SERVICES

Mr Tatham: Admiral Sir Hyde Parker, who could see little of what was happening, hoisted the signal to discontinue the action. Nelson gave a shrug and, addressing himself to Foley, said: "You know, Foley, I have only one eye. I have a right to be blind sometimes." He raised his spyglass to his right eye and announced, "I really do not see the signal."

The Nelson eye: Last Tuesday, together with over 100 other people, I watched representatives of TGV France and ICE West Germany as they showed videos and described what they are doing and what they propose to do in their respective countries regarding high-speed trains, with running speeds up to 300 kilometres an hour and improvements in comfort for the rail passengers.

When you buy merchandise, buy in cold blood; when you sell, sell with enthusiasm. What about our population numbers? What about our snow conditions? What about our freezing rain? What about frozen ground? There are many questions to be answered, but in the meantime we do need to look after our present passenger rail service.

Let me say Nelson was successful in his decision, but he was there, he was in action, he could see what should be done. Nelson's one good eye and sound judgement kept the railway running.

MEMBERS' ANNIVERSARIES

Mr McCague: On a point of privilege, Mr Speaker: It is my privilege to remind you of the

election five years ago yesterday of the member for Ottawa East (Mr Grandmaitre) and the member for Prescott and Russell (Mr Poirier) and also to remind you of the sixth anniversary of the election of the member for Stormont, Dundas and Glengarry (Mr Villeneuve) tomorrow. They all join Cash for Life.

The Speaker: I think all members appreciated the reminder notice.

STATEMENTS BY THE MINISTRY

SELF-GOVERNMENT FOR NATIVE PEOPLE

Hon Mr Scott: The government of Ontario today formally enters what we hope will be a historic era in our relationship with the native people of the province. We are all aware that the native people of the province, like their counterparts across the country, want to derive economic benefit for themselves from the lands on which they live. They seek these economic benefits in order to improve their living conditions and reduce their dependency on government, and while so doing they properly insist that their heritage, their culture and their society be protected and strengthened.

The government of Ontario, as I have said on a number of occasions in this House, understands and is supportive of the position of aboriginal peoples that they can increase their stature, esteem and economic independence through self-government. Our government and the aboriginal peoples are continuing to struggle with constitutional issues of treaty and aboriginal rights and the constitutional entrenchment of the right of self-government.

The people of Ontario are, I believe, proud that our government supported the constitutional entrenchment of this right at the 1987 first ministers' conference on aboriginal constitutional rights. But we know that in a federal system these constitutional issues will take a long time to resolve, perhaps too long to suit either Ontario or the aboriginal peoples.

I remind the House that when the aboriginal constitutional process failed in 1987, the Premier (Mr Peterson) promised our aboriginal fellow citizens that every effort would be made to achieve progress towards aboriginal self-government at home.

Ontario has, I believe, consistently shown since then that it is ready and willing to move forward on self-government issues, including lands, natural resources, justice, policing, education and social services.

I am pleased then to tell this House today that the Ontario government is continuing and formalizing that commitment with the adoption of a policy that will guide it in negotiating self-government with aboriginal communities all across the province. The policy is set out in the Guidelines for the Negotiation of Self-Government with Aboriginal Communities, which will be tabled today.

The guidelines reflect the emerging philosophy that has guided Ontario over the last few years in the development of a number of self-government discussions and negotiations which are already under way and they will guide us in dealing with new requests from aboriginal peoples for self-government negotiations.

I invite each member to carefully read and consider these guidelines. I strongly believe that in a decade they will be seen as a historic turning point in our relationship as a province with our aboriginal fellow citizens.

The guidelines will of course be subject to review over the next year and a half and may be changed, I promise, in consultation with aboriginal peoples in order to better reflect their assessment of their needs.

We will not limit the consultation process for self-government to the aboriginal peoples. We will invite non-native people to have a role in these undertakings in order to consider the views of all who live in Ontario.

I stress that the scope of the guidelines and the framework for the negotiations they establish is very wide. I know that we will eventually be conducting self-government negotiations from the far reaches of northern Ontario to downtown Toronto. We will negotiate with native peoples on reserves, in communities on crown land and in our urban centres.

We will also work co-operatively with the government of Canada in this process. Under our constitution, the government of Canada has a pre-eminent responsibility for aboriginal self-government and in fact the federal government is so far involved in all of our current discussions with aboriginal people.

I will not, and it would not be useful to, speculate at this time on the forms of self-government which will result from these negotiations. Many agreements will focus on land and natural resources, while the emphasis in urban centres will more likely be on native-controlled institutions to provide services to aboriginal peoples.

Many members of this Legislature will know that, under the leadership of our Premier (Mr Peterson), a number of discussions have already started: with the Indian first nations on education matters under the declaration of political intent; with the Nishnawbe-Aski Nation on lands and natural resources and legal services, and with the Ontario Metis and Aboriginal Association on off-reserve self-government.

We have also received proposals from many other aboriginal communities. These include the Whitefish Bay First Nation, the United Indian Councils of the Chippewas and Mississaugas, the Onegaming First Nation, the Kawartha Nishnawbe, the Kasabonika Lake First Nation, the First Nations of the Rainy Lake Tribal Area, the Mohawks at Akwesasne and the Ontario Federation of Indian Friendship Centres.

We must, however, limit the number of self-government negotiations we can initially undertake because we all must proceed cautiously in these first negotiations to ensure that we are effective and realistic in our expectations and that we can meet the commitments we make.

Those commitments, I emphasize, are to non-natives as well as native peoples. We are committed by our guidelines to public involvement. Our agreements, as aboriginal peoples agree, must be guided by principles such as environmental protection, conservation of natural resources and by our existing commitments to those who now occupy or otherwise use crown land or natural resources.

As a government, these agreements will also allow Ontario to adequately plan for the provision of services to aboriginal peoples. Additionally, they will assist Ontario in meeting its commitments under treaties and the Charter of Rights and Freedoms.

Much hard work remains to be done, many difficult negotiations lie ahead and much remains to be resolved among Canada, Ontario, the aboriginal peoples and their organizations and communities before we sign the first self-government agreements. But I believe the course is set, the framework is now established, and the will is present to work together with our aboriginal fellow citizens to make a better and fairer Ontario for all of us, native people and non-native people alike.

In the east gallery today are some of our partners in this new venture, the grand chiefs, chiefs presidents and executive directors of the following aboriginal organizations: the Indian Commission of Ontario, of course, the Akwesasne First Nation, the Association of Iroquois and

Allied Indians, Grand Council Treaty 3, the Nishnawbe-Aski Nation, the Ontario Federation of Indian Friendship Centres, the Ontario Metis and Aboriginal Association, the Ontario Native Council on Justice, the Union of Ontario Indians, the Fort Frances Tribal Council, the Six Nations, the Chippewas of Sarnia and the Ojibway of Onegaming.

I would ask them to stand so the House could welcome them here today.

RESPONSES

SELF-GOVERNMENT FOR NATIVE PEOPLE

Mr B. Rae: First of all, let me welcome many of the chiefs presidents of band councils here today and say how much we are looking forward to negotiating with them in the 1990s.

I say to the Attorney General (Mr Scott) that his government is long on statements of principle, long on expressions of general declaration and very short on meeting the needs of native people in particular.

I want to spend some time in the short few minutes that we have to simply document the extent of the neglect by this government of its responsibility. To say that this is a historic day is true. But one has to also recognize that the good intentions which are expressed today do not match the fact that the Attorney General of this province has fought every step of the way the Bear Island band with respect to its particular claim, and that claim is now being fought in the Supreme Court of Canada.

The fact of the matter is that Ontario, with 22.4 per cent of the native population, spends some \$4.88 million through its native affairs directorate. I would point out that British Columbia and Saskatchewan, with a smaller native population than Ontario's, which is not widely known, spend roughly the same amount of money. Ontario's tax base—with a population of some 9.2 million people, we are spending a little less than \$5 million out of the total provincial budget with respect to the activity of the Ontario native affairs directorate.

I want to say to the government—

Hon Mr Elston: You're stretching it, Robert.

Mr B. Rae: If the member is telling me the native affairs directorate spends more than \$4.88 million, that is news to me.

Interjections.

The Speaker: Order.

Mr B. Rae: I would invite the Attorney General to recognize that in his own guidelines

for example, in the guidelines that he has established—

Hon Mr Scott: That's deceitful.

Mr Jackson: What are you saying? You are a lawyer. You know better than to say that in this House.

The Speaker: Order.

Mr B. Rae: I do not mind taking abuse from the Attorney General. I want him to know, if he thinks that today is going to be a clear ride, he has another thought coming. He says that, with respect to the native people on reserves, Ontario is prepared to negotiate certain things, but it is also interesting that it is not prepared to negotiate other things. It is an interesting distinction.

Hon Mr Scott: Like what?

Mr B. Rae: Okay, we will go through the minister's document. His document says with respect to crown land communities that Ontario is prepared to negotiate water and sewage, fire protection, garbage collection and housing. With respect to natives on reserves, he is not apparently prepared to negotiate water and sewage, fire protection, garbage collection and housing.

Interjections.

The Speaker: Order.

Mr B. Rae: If the Attorney General will look at the guidelines which have been presented—I have only had a chance to read them now—but the on-reserve items on which they are prepared to negotiate are fewer and less than those areas which they are prepared to negotiate with respect to crown land communities.

Just this morning, my colleagues and I presented a report on native health care in which we pointed out that you cannot talk about health care on a reserve north of 50 unless you are prepared to improve the basic quality of water treatment, unless you are prepared to deal with the question of sewage treatment, unless you are prepared to get involved in making sure that the native people have the means at their command to improve the basic quality of life in those communities. That is essential if we are going to deal with the question of social services; it is essential if we are going to deal with the question of health care.

What I am saying is that talk is cheap, that this government is prepared to talk, and I would suggest it has already been prepared to talk and it has talked and it has talked and it has talked. What we have not seen on the part of this government is a commitment to transfer dollars, hard resources, to our native people to allow

them to build communities in which they can take pride, in which all of Canada and all of Ontario can take pride.

That is where the government's record has been lacking. It is all very well to present these fine guidelines, but we all know and the Attorney General well knows, these discussions could go on for 5, 10, 15, 20, 25 years. Until this government and the government in Ottawa are prepared to transfer resources, power and money, it simply will not happen. That is what is at stake. That is what this struggle is all about and that is what needs to be done.

The relationship between the government of this province and the first nations, the first people of this province and the first people of Canada, is the most basic question of human rights facing Ontario today. We need to resolve it, we need to face up to it. I just do not think the government has demonstrated so far the commitment to do so.

Mr Eves: It is my pleasure to rise in the House today and speak on behalf of my party with respect to the announcement made by the minister responsible for native affairs (Mr Scott).

First, speaking of a co-operative approach, I also would like to extend our welcome to the leaders and representatives of the native and aboriginal peoples here today. They are Canada's first people, and I do not think we should ever forget that in this province.

The very meaning of the term "self-government" means many things to many different people. I am sure that the Attorney General would agree with me in that regard. These are not easy discussions or negotiations that our province has undertaken over the years.

There has been some progress made. I do not think there is any doubt about that. In my own constituency, I can point to numerous examples of progress that has been made with respect to self-government of our native peoples. But there are some real shortcomings, one of which is health care, as the member for Lake Nipigon (Mr Pouliot) so appropriately pointed out in his private member's resolution in this House about a week ago.

1400

I am proud to say that the province of Ontario is recognizing and paying particular attention to nonreserve native people, particularly those in urban communities, because they represent a very significant number of native peoples across this province.

I am also proud to say that for a brief period of time I was the minister responsible for native affairs and had the privilege and the honour of

attending a first ministers' meeting in 1985 at which the principle of constitutional entrenchment was discussed and put forward by the province of Ontario, and I understand that my predecessor did so in 1983 before that.

I think the point I am trying to make here is that the province of Ontario has always been regarded as one of the leading provinces in Canada, if not the leading province, with respect to its approach to native affairs and I would certainly hope that we continue to be so in the future.

ORAL QUESTIONS

SELF-GOVERNMENT FOR NATIVE PEOPLE

Mr B. Rae: My question is a very particular one to the Attorney General, and one that relates to my statement. I want to ask the Attorney General why the items which Ontario says it is willing to consider negotiating are different with respect to native people on reserves as opposed to native people living in crown land communities. There is a significant discrepancy between those areas, and I wonder if the Attorney General can explain that to us.

Hon Mr Scott: As the honourable member knows, the significant native population in Ontario exists either on reserve, where there is a land base, in communities on crown land, often communities that are substantially native in background, or in urban centres. My riding in the heart of Toronto has one of the largest native populations of any riding in Ontario.

It is obvious, I think, that when we come to discuss self-government, the parameters of self-government discussion will be different from place to place, simply by virtue of the existence of a land base. For example, the province of Ontario, as the Solicitor General (Mr Offer) will tell the member, has entered into policing agreements which provide some capacity to have native policing on reserve. It seems to me it becomes a much more difficult question to contemplate self-government with respect to policing in the city of Toronto.

Therefore, judgements have had to be made about the parameters that are possible to negotiate. As I said in my statement, we are, I think, the first government in Canada to lay out the parameters that we think are appropriate. I have emphasized to the leadership of the native community that this document is a basis for our discussions and we will be delighted to hear their views about it and will attempt to modify it to meet their appropriate expectations.

Mr B. Rae: Our report today talks about the fact that some basic conditions of life which are assumed to be there for the vast majority of citizens of the province are not available, are not present in many native communities, whether they are on reserve or on crown land. Lansdowne House is not a reserve. Lansdowne House is on crown land. Attawapiskat is on reserve. Some of the communities are partly on reserve and partly on crown land.

Water and sewage, fire protection, garbage collection and housing are four items which the Attorney General states very clearly that he is prepared to negotiate with respect to crown land communities. Those four items are specifically omitted, they are left out, when it comes to what he is prepared to discuss with native people who are living on reserves.

I am asking a simple question of the Attorney General: Why those omissions? Does he not think running water and sewage treatment are as basic to life on a reserve as they are to life on crown land?

Hon Mr Scott: As the honourable member is very careful not to acknowledge so he can get maximum bang for every rhetorical buck, the reality is that on reserve there are special parameters that have to be considered.

The honourable member's own report, released today, is much more candid than he himself is. For example, speaking of federal hospitals on reserve, the report highlights a point that I was making the other day and that the honourable member just rejected as silly. It says, speaking of the people in Moose Factory and Sioux Lookout, for example, where there are federally run hospitals, that those people worry that by giving jurisdiction to the provinces, the federal government will wash its hands of responsibility to first nations people.

When I made that very same point in so many words the other day, the honourable member, as usual, said I did not know what I was talking about and it was nonsense. I do not know, though I have got a good idea, who prepared this excellent report that the New Democratic Party has. It is too bad the Leader of the Opposition did not have time to read it.

Mr B. Rae: The Attorney General is someone for whom on occasion I have respect. I regret that I cannot say that in any way, shape or form today, in terms of what he has said to me and what he has said to members of the House.

He says he is prepared to negotiate education, health and social services when it comes to on-reserve. I am asking him a simple, factual,

decent question. He has laid out here what he is prepared to negotiate on reserve and he has laid out on the next page what he is prepared to negotiate on crown land communities. I am asking him why these areas, water and sewage, fire protection, garbage collection and housing, are not there.

It cannot be jurisdiction, because he has already said he is prepared to negotiate education, health, social services and other areas. He cannot tell me that water and sewage is any more or less a matter of provincial or federal jurisdiction than education. Come clean.

The Speaker: Thank you.

Mr B. Rae: Why are those items not in there? Because they are expensive? Why is it?

The Speaker: Order. The question has been asked.

Hon Mr Scott: The honourable member does not understand the nature of self-government negotiations. I am sorry that I do not get his respect, but I guess I will have to live with that.

What we are talking about here is self-government, that is the capacity of native people, when they are appropriately resourced, to make decisions in areas for themselves. That is what they very much want to do; that is what the government of Ontario wants to do with them.

Moving towards that process, we have had to make judgements about which subject matters are high priorities for them—we have listened to them, and land, for example, and resources are high priorities—and which subjects are perhaps not suited at this stage to self-government negotiations on crown lands or in urban communities. We have made the choice. The NDP members will never have the responsibility of governing so they do not understand, but we have made the choice and we have asked the native people to read this document and to read the very helpful document which the NDP produced today and which I know the leader will have a chance to read shortly—

The Speaker: Thank you.

Hon Mr Scott: —because that will allow them to make submissions to us about the ambit of these very important negotiations.

The Speaker: Thank you. I remind the members this is question period, not debating period.

TEACHERS' SUPERANNUATION

Mr B. Rae: I have a question to the Minister of Education, and it has to do with democracy as well. I want to ask the minister why he is

rejecting the essential principle, I would have thought, of pension plans, which is that each party that puts money into the plan has an equal right to control of that plan, an equal right to management of that plan and an equal right to say what happens to the money that is put into that plan. Why is the minister showing such contempt for the democratic process in his rejection of the very reasonable request by the teachers that they have equal access to control and participation in what is, after all, their own money?

Hon Mr Conway: I have indicated, as have other members of the government, the desire of this government to proceed with the reform of the teachers' pension plan in a way that will ensure that this very excellent plan, a plan that few other people in the community could imagine having, will be able to meet the expectations of it into the future.

We have said, for example, that in the issue of the governance of the plan, the government is quite prepared to consider a partnership, but from our point of view, it must be an equal partnership. It is not a collective bargaining partnership, but rather a partnership of equals where both parties would accept equal share of the risks and the rewards.

We do not believe, as government, since on behalf of the taxpayers of Ontario this year the Treasurer (Mr R. F. Nixon) will appropriate something in excess of \$575 million of the taxpayers' money, we will put more money into the teachers' pension fund this year than we will give to the Minister of the Environment (Mr Bradley) to run the Ministry of the Environment.

So the people, the taxpayers of Ontario, have an enormous stake in this and we are quite prepared to consider a partnership but we are not prepared to accept, as part of the partnership model, a dispute-resolution mechanism that would be binding arbitration and that would transfer the responsibility for important decisions in this multibillion-dollar account to some outside third party.

1410

Mr B. Rae: The minister is putting money into the plan; the teachers are also putting money into the plan. It is the teachers' money which is at stake and at risk, just as much as his own. They are putting money into the plan as well. I find it hard to believe that he would say to teachers the government has more rights to that plan and more rights to that money than the teachers have, in terms of its management. I do not think that is democratic or fair.

Can the minister tell me how his approach to what happens to the surplus, to his right to not contribute to the plan if he determines that there is a surplus in the plan, is any different from the approach that was taken by Conrad Black or any of the other employers that led to the changes we have had to make to pension law?

Hon Mr Conway: Let us be clear: there is no surplus in this plan. This very excellent plan that provides 100 per cent inflation protection is seriously in deficit because that inflation protection was not properly secured in terms of financial support 15 years ago, so the taxpayers are now going to pick up about a \$4-billion unfunded liability. Let us be clear about that.

In so far as governance is concerned, I have said to the teachers that one of the other opportunities available—one that we would encourage—is to let the teachers take the plan. We are prepared to surrender to the teachers the right to run this plan. If they want partnership, we are prepared to consider partnership. But to obviate the concern of my friends opposite, a better alternative, one provided for in the government bill, is a member-run plan so they would then have the entire responsibility. They could have all of the rewards and all of the risks that go with a member-run plan.

We will not, however, accept an argument where the government gets to accept all of the risks and the members get all of the rewards. That is simply not on.

Mr B. Rae: I do not see why anybody would take the minister's suggestion seriously. He is saying, "We will let you run the plan." When he talks about partnership, he makes the rules—

Hon R. F. Nixon: All they have to do is opt for it and they have got it.

Mr B. Rae: No, wait a minute. This is the minister's definition of a partnership. He makes the rules, he decides how much the contributions are going to be, he decides the terms of the plan, he says that if at any time in the future there is a surplus, he does not have to contribute to the plan. He makes all those rules—that is what he has set out in his legislation and his amendments—and then he turns around to the teachers and says, "Won't you be partners with us?" What kind of a partnership is that?

If the minister is interested in a partnership, why will he not agree that when two partners disagree with respect to what is going to happen to the money that each of those partners puts into the plan, we will let somebody else decide? Why not do that?

Hon Mr Conway: I have to say to my friend, where does that leave the taxpayers? Bound by some third party for consequences that could have enormous impact on the consolidated revenue fund. I want to say to my friend the Leader of the Opposition that under the plan that we have had, it is a defined-benefit plan where the government, the taxpayers of Ontario, all of Ed Broadbent's ordinary Canadians, get to guarantee the benefits.

I repeat, under the current arrangement, Ed Broadbent's ordinary Canadians are going to get to pick up a \$4-billion unfunded liability while all of the benefits that have flowed from that unfunded liability have accrued to the members. I say, finally, we as a government are seriously prepared to entertain a real and genuine partnership with an equal sharing of risk and rewards and, yes, we are also prepared to give to the teachers a member-run plan where they run the plan, they accept all of the risks and, yes, they get all of the surplus and all of the rewards.

Interjections.

The Speaker: Order. The member for Sarnia is waiting patiently for your attention.

[Applause]

Mr Brandt: Thank you, Mr Speaker. That applause was most appreciated.

EMPLOYER HEALTH LEVY

Mr Brandt: My question is to the Minister of Industry, Trade and Technology. Back in 1986, his ministry undertook a study with respect to the impact of the employer health levy, and at that time the findings of that particular report indicated that the introduction of such a tax in Ontario would be harmful to business, more particularly to small business, and would ultimately cost jobs and cause a slowdown in activities in some firms.

As a result of this tax now having been introduced by the Treasurer (Mr R. F. Nixon) and by the Minister of Revenue (Mr Mancini), could the minister indicate whether any studies and/or surveys have been undertaken by his ministry as an update to the findings he was able to discover back in 1986?

Hon Mr Kwinter: We have not undertaken any studies, but I will say this to the member. When the member takes a look at what has been going on with the funding of the health plan, I think he will find that fully almost 70 per cent of those people who are working have had their premiums paid by their employers. We have a situation where there is one sector that is really

being disadvantaged by that. The Treasurer, in consultation with his colleagues, has decided that we will fulfil our promise and that we will make the providing of health care totally across the board and without direct cost to those participants.

There is no question that the costs are coming out of the consolidated revenue fund and we think there has to be some equity. We are now, as a result of that legislation, picking up the slack for those people in the industrial sector. Those employers who have not been making any contributions will be doing it in all fairness and in equity so that the burden will be spread across the total industrial sector.

Mr Brandt: I am surprised that the minister would not follow up on a study which he undertook back in 1986, which indicated some very real concerns about the introduction of such a tax and the impact that would have on job creation in our province.

I want the minister to know that my party did in fact undertake a survey in which we made contact with some 3,000 business operations in this province. Fully two thirds of them indicated that the tax would have a very substantive negative effect on job creation and would slow down growth. I want the minister to further be aware that some 80 per cent of those two thirds that we contacted are companies which export.

It is interesting to note that just this month, for the first time in a long time, the exports out of Ontario and Canada have gone down very substantially and that in fact our balance of payments is in a negative position. I suggest to the minister that it is partially as a result of this kind of move.

I ask the minister, how can he as the Minister of Industry, Trade and Technology support such a move, recognizing that his own studies and further surveys that we have taken indicate it is wrong and particularly wrong at this time?

Hon Mr Kwinter: I point out to the leader of the third party that this tax has not even gone into effect.

Mr Brandt: I know that.

Hon Mr Kwinter: Then all the dire consequences that he has attributed to it have not happened as yet. I should tell the member that in all the discussions we have had with businessmen, not only in the United States but in all jurisdictions, the one strong factor that we have in our favour is the relatively low cost of providing health protection to our citizens. It is the envy of the United States. All one has to do is take a look at people like Lee Iacocca—

Mr Brandt: That has nothing to do with your plan. It had to do with the previous plan.

Hon Mr Kwinter: Yes, it does; it has plenty to do with it. Rather than saying it is a negative impact, I can tell the member it is one of the strongest selling points that we have in trying to attract industry to this jurisdiction.

[Applause]

Mr Brandt: I again appreciate the applause. The minister may be interested to know that it is not me saying that this tax is going to be negative; it is the minister's own report, written by his ministry officials back in 1986. I quote, "A new payroll tax would deter small firms from hiring and impair job creation."

That was confirmed by the survey that we took. That, in fact, is what is going to happen. I predict this well in advance of the impact of this tax being felt by the Ontario economy. I ask the minister again, how can he, as the minister representing business in the affairs of the cabinet of the government of Ontario, support this particular tax?

1420

Hon Mr Kwinter: I can support it very easily because I think it is fair and it is equitable. What the member has not really commented on is the result of the infusion into the economy of the savings that are going to result to the taxpayers and what that will generate.

Again I say to the member that we have a health plan in Ontario that has one of the lowest rates in all of Canada as far as the contributions that are being made by industry, and it is something that has stood us in a good position and that we use as a very effective tool in attracting industry to this jurisdiction.

TEACHERS' SUPERANNUATION

Mr Jackson: I have a question for the Premier. His government notified over 150,000 teachers in September 1988 of the following in a letter. It stated that Dr Slater's concept of a new partnership with joint trusteeship appeared attractive to his government, and underlying this, his proposal is the principle that teachers and the government should be full and equal partners in the amount they contribute to the plan, in the way they share its risks and rewards and in the role they play in the management of the pension funds in the future.

Why would the Premier announce over a year ago that he was going to build this new relationship with the teachers of Ontario on something as fundamental as their shareholder

rights in their pensions and yet last night at eight o'clock his government tabled legislation which not only took away the option that he was discussing, it removed rights that teachers currently enjoy today under existing legislation?

Hon Mr Peterson: The Treasurer can tell the honourable member about the extensive discussions that have gone on with the teachers.

Hon R. F. Nixon: Actually, the difficulty arose in 1975 when the then Progressive Conservative government did not establish a plan that paid for the very generous benefits that were given to the teachers in that election year. It was the inadequacies of the payments that were made from the consolidated revenue fund and from the teachers that have led to the actuarial deficit that necessitated the new plan that is being put forward. It is our aim to see that these benefits are properly paid for and that they are available when the teachers retire, as they should be.

Mr Jackson: It should be noted that the world-class fiscal conservative who just answered that question supported fully that legislation in 1975, as the then leader of the Liberal Party.

The fact is that the Premier should be aware that as of this morning, charges of bad-faith bargaining—

Interjections.

The Speaker: Order. We will just wait until everything tones down. Do you have a supplementary?

Mr Jackson: Yes.

The Speaker: Please place it.

Mr Jackson: I would like the Premier to know that as of this morning, his government has been charged with bad-faith bargaining by the members of this plan because of the conduct of certain members of his government. Not only has his government contradicted the letter which was sent, the teachers believe in good faith, back on 26 September 1988, his own Minister of Education (Mr Conway) has refused to meet with the teachers on more than one occasion to deal with the options which this government has tabled for their consideration.

The Minister without Portfolio responsible for women's issues (Mrs Wilson) has refused on three occasions to meet with the women teachers of this province to discuss substantive matters regarding pregnancy leave and benefits that they believe they have a right to.

Can the Premier explain why members of his cabinet and members of the Privy Council refused to meet with teachers yesterday when it

was his government's intention to table a bill that stripped away the rights that they have historically enjoyed in this province?

Hon R. F. Nixon: Although the honourable member continues to direct his questions to the Premier, it is my privilege to respond.

I think he should be aware that ministers of the crown have been meeting with the elected representatives of the teachers' profession now for 18 months; that I, myself, have met with them regularly and as a matter of fact their request to the Premier resulted in a meeting in the cabinet chamber with myself and other members of the cabinet directly responsible for this important matter.

The Minister of Education (Mr Conway) has introduced legislation which has been debated already and approved in principle. As a matter of fact he has met with the Ontario Teachers' Federation on two formal occasions. The bill is now before the House. It is not the time for backroom negotiations because we have put forward three alternatives.

One is, if the teachers insist, the government will continue to operate it. Second, which we favour, is a fair and equitable distribution of responsibility and risk which would not involve compulsory arbitration. This fund would have at its disposal, including the employees of the province, close to \$20 billion in assets.

Surely, it is irresponsible of the member, no matter how much he would like to lead the Progressive Conservative Party, to suggest that the decisions on that fund should be handed to some third party rather than the representatives of the taxpayer, the government of the day.

I want to conclude by—

The Speaker: Thank you. Perhaps a short supplementary might bring about a short answer. Would you try, please?

Mr Jackson: As legislators, we create laws in this House to protect employees from their employers who are bad-faith bargaining. There is absolutely no opportunity for the citizens of this province when a government is guilty of bad-faith bargaining with any of its citizens.

The fact of the matter is, this Premier should be aware that last night a plan was tabled that has never been discussed with the teachers of this province, and his Minister of Education confirmed that in committee last night. The fact of the matter is that this government all along has decided to offer not a joint model, but in fact a government-run model.

The Speaker: Question.

Mr Jackson: Why has his strategy for the last year been to invite confrontation with the teachers of this province? How can he call his actions consultative when—

The Speaker: Order.

Hon R. F. Nixon: What the honourable member says is totally incorrect. The bill, as he knows, has three options. We have met with the teachers for over 18 months. The minister himself in the last two weeks has met formally with them twice and they have refused the partnership option.

They have also indicated that they are not ready to take over the pension fund entirely themselves, as the bill provides directly in its sections. That leaves only one alternative, and that is for the changes to occur under the aegis of the government direction. That is really the choice of the teachers.

I want to say something about bad-faith bargaining because the member has only recently arrived at this discussion and is not even wise enough to listen while the discussion takes place but continues to interject.

Mr Jackson: You weren't there last night when the bill was tabled. It's an Education bill and you know it.

The Speaker: Order.

Hon R. F. Nixon: But I would say that for the Ontario Teachers' Federation to indicate, after the work that has gone on with them over 18 months in trying to construct a suitable and modern method of looking after these important matters pertaining to pension, for them to call for the resignation of the Minister of Education, in my view, is irresponsible.

We have never had a better Minister of Education than the one we have now. He should certainly command the respect of all of the teachers as he certainly commands the respect of the taxpayers and as he commands the respect of every sensible member of this House.

Mr B. Rae: I thought I might give the Treasurer a chance to explain why he has it in for the member for Wentworth North, but I will not do that.

1430

GOODS AND SERVICES TAX

Mr B. Rae: I would like to ask the Premier a question about the goods and services tax. He will be aware, I am sure, of the many reports that the federal government is contemplating, changing the original proposal from nine per cent to seven per cent. The Treasurer (Mr R. F. Nixon)

has apparently made some proposals to the federal government with respect to other possible changes to the plan.

I wonder if the Premier can tell us, does the fact that the rate will be going down from nine to seven change the stance that the government of Ontario is taking with respect to the GST?

Hon Mr Peterson: No.

Mr B. Rae: If the answer to that is no, I wonder if the Premier can explain why it is that his party voted against a very clearly worded motion standing in the name of my colleague the member for Nickel Belt (Mr Laughren) which stated very clearly that the government of Ontario would have no truck or trade with the GST. Do I take it then that the Premier is continuing negotiations with respect to the GST?

Hon Mr Peterson: In this House we have free votes. I respect every single member and if the majority of the members think that what the member put forward does not make sense, frankly I agree with them.

GOVERNMENT ANNOUNCEMENT

Mr Brandt: My question is for the Minister of Revenue. The minister will be familiar with Bill 64, which is the education assessment bill that has been brought forward by his government. I would like to ask him, in view of the information that has come to my attention that some 45,000 information notices have in fact been circulated with respect to this bill, how he and his ministry could be so arrogant as to do that prior to the time when the bill was brought before this House. How can he submit a bill and the information contained therein for circulation to the Ontario public prior to this House dealing with that legislation? What kind of nonsense is that?

Hon Mr Mancini: I am not sure if the honourable member has his facts quite straight, but I will take the matter under advisement and I will report back to the House.

Mr Brandt: I want to advise the minister that I do have my facts correct, that in fact there was information printed, some 45,000 copies of which were circulated, and those copies are not even worth while. They contain errors, since the bill was in fact amended after the printing of that particular circularized item.

I say to the minister that when the same thing happened in respect to the GST at the federal level, when that was introduced by the government before passage and when advertisements were circulated—

The Speaker: Did you have a supplementary?

Mr Brandt: —the Speaker of the House reprimanded the government for taking that action. Will the minister stand up and apologize on behalf of his ministry for doing something that is dumb and stupid, which is what he did?

Hon Mr Mancini: I believe if the member is talking about the ad—

Mr Brandt: I have it all right here.

Hon Mr Mancini: If the honourable member would just relax for a second, if I recall the ad, it says that the bill is before the Legislature. If there are some matters in the announcement that may be incorrect, I told the honourable member in my first answer that I would take his concerns under advisement and get back to the House. I doubt if anything we do over at the Ministry of Revenue is in fact as exaggerated as the honourable member tried to make the case today.

CAPITAL FUNDING FOR SCHOOLS

Mr Adams: My question is for the Minister of Education. Some time ago, the Minister of Education allocated considerable funds to the separate school board in Peterborough for a new high school. The school is required because the present building is very old and decrepit and enrolment is increasing. There appear to have been delays in the allocation of these funds, and my question to the minister is, could he give us a status report on the new high school for Peterborough?

Hon Mr Conway: I am pleased to have the question from my friend the member for Peterborough. It is true that some time ago a submission was made by the area separate school board for a replacement of the St Peter's Secondary School in Peterborough. An outstanding Minister of Education, the member for Wentworth North (Mr Ward), responded very completely and immediately to that request by announcing an allocation of \$17 million to provide for a 1,400-place secondary school as a replacement for St Peter's Secondary School in Peterborough.

It is my understanding that this project is proceeding and if there is any difficulty, I would be interested to know about it because certainly it is our expectation that the allocation that has been made will be proceeded with.

Mr Adams: Can the minister assure the House that if and when the board submits acceptable plans for the new school, there will be no delays in the flow of funds?

Hon Mr Conway: I would want my friend and the good people of the Peterborough area to know that my predecessor was very anxious to accommodate the very legitimate secondary accommodation concerns of that community. He very wisely addressed the need by indicating a very substantial allocation.

I would only encourage my friend the member for Peterborough that if there is difficulty at the board level, it should make immediate contact with the regional office because the government is very anxious to move forward as quickly as possible and to replace St Peter's Secondary School with a modern and up-to-date facility.

ASSISTED HOUSING

Mr D. S. Cooke: I have a question for the Minister of Housing, and it concerns a developer in London by the name of Zaifman Holdings Ltd. This particular developer over the last number of years has received \$2.4 million in loans from the provincial government under the Ontario rental construction loan program, the Canada-Ontario rental supply program and the Renterprise program to build apartments in the London area.

I would like to ask the minister, why would the government of Ontario lend a developer like this money when this person has had a long history of being charged with collecting illegal rents and been convicted of charging illegal rents?

Hon Mr Sweeney: To the best of my knowledge, at least two of the programs which the honourable member mentioned were those that were in place several years ago. I cannot say why in fact they were done. The Renterprise program, however, was introduced in 1986, I believe, and I would certainly want to check to find out what the criterion was when that money was given.

Mr D. S. Cooke: While the minister is looking into these particular programs and this landlord, could he also look into the fact that this landlord is now being charged again with collecting illegal rents in 200 units of other buildings that he owns? Would the minister use the influence that he should have—since the loans are still interest-free for 15 years—to secure a settlement and get the tenants the money that has been illegally charged by this sleazy landlord?

Hon Mr Sweeney: I will certainly attend to the matter that the honourable member has drawn to my attention, and if in fact we have the legal or fiscal capacity to lever the kind of result that he has suggested, I will certainly see whether or not that is possible.

ASSISTANCE FOR THE DISABLED

Mrs Marland: My question is to the Minister without Portfolio responsible for disabled persons. The minister knows that the report *Independent Living—The Time is Now*, which was submitted to her predecessor in March 1988, is still being reviewed by the Ministry of Community and Social Services. The minister also knows how crucial independent living assistance is for disabled persons to live a full and productive life.

My question to the minister is simple. Given that it has been 21 months since the *Independent Living* report was released and that the John Lord report found that the number of people who require attendant care exceeds the level of current service by three to 10 times, why has her government taken no concrete action to improve and increase the provision of attendant care?

Hon Ms Collins: As I mentioned once before in this House, myself, the Minister of Health (Mrs Caplan), the Minister of Community and Social Services (Mr Beer) and the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin) have been working on the long-term care initiatives. In fact, the Minister of Community and Social Services made an announcement last week in this House. The report that the member referred to, attendant care, is part of the whole long-term care initiative and it is being looked at in that context.

1440

Mrs Marland: The disabled persons in this province are fed up with being asked to wait and wait for action. We have lists of reports whose current status is "under review," "currently reviewing," etc. They are still waiting for this Liberal government to implement the recommendations of *The Freedom to Move is Life Itself* report, two and a half years after the government received the report.

My supplementary question is this: Given that the Toronto Transit Commission was recently criticized as being one of the four least accessible transit systems in North America, when will the minister and her cabinet colleagues take steps to fully implement the recommendations contained in the *Freedom to Move* report, which they have had two years?

Hon Ms Collins: There is the *Freedom to Move* report and the Lord report, as already mentioned. I think I have already given the member an answer as to how those reports are being addressed at this time and within what context.

I just want to remind the member that in 1985 this government was spending approximately \$7 million on attendant care. As of 1989 we are spending over \$14 million, and I think that is a substantial increase, though we all are aware of the fact that much more has to be done.

The TTC report is out. They are having public hearings, and it is up to the Metropolitan Toronto council to decide how to move on that report.

ACCESS TO PROFESSIONS AND TRADES

Mr Fleet: My question is for the Minister of Citizenship. Mr Speaker, you have recently received a 493-page report from the Task Force on Access to Professions and Trades, chaired by Peter Cumming. The report provides an extensive review of the barriers faced by Canadians trained outside Canada. When seeking a job, they rightfully want a fair opportunity to compete on a level playing field with other Canadians.

As the reports demonstrates, many Canadians have specialized knowledge or skills which Ontario needs but which are not used because of the lack of formal recognition of credentials and, as a result, both those individuals and our whole society lose out. I was concerned about a recent media report which suggested that the minister planned to wait a full year before considering what kinds of changes are warranted. Could the minister advise the House what his expected timetable is?

Hon Mr Wong: I would like to thank the honourable member for his specific interest in this issue. First of all, let me make it very clear that out of the 85,000 or so immigrants who are coming into the province of Ontario every year, there are thousands of foreign-trained people who would be qualified to work in Ontario but who have met artificial or other inappropriate barriers that have prevented them from seeking proper and full employment in their respective trades and professions.

As a result of this, two years ago the government initiated the task force report. I think it would be good for all of us to help tear down those barriers so that we can enable these people who are very skilled and talented to seek and be employed in these positions.

The task force report came up with 104 recommendations, most of which would pertain to seven ministries of this government. It is our intention to move as quickly as possible, not to take the length of time that the newspaper article inappropriately indicated. But as soon as these recommendations have been properly evaluated

and analysed, the government will certainly indicate its course of direction.

Mr Fleet: The Cumming report raises a number of complex and fundamental matters. It proposes a new approach to evaluating the skills of people, a new approach to testing these skills, a new approach to language testing, and much more.

The report also acknowledges that no legitimate standard of excellence should or needs to be sacrificed in this process, and, as the minister has indicated, there are over 100 recommendations aimed at furthering these objectives.

Can the minister confirm, in formulating the principles of reform and later the means of implementing those reforms, that the government will continue to take into account alternative proposals that may be provided by other interested parties?

Hon Mr Wong: Before the government implements any course of action, I wish to assure all honourable members that the government would certainly be in touch with the professions and trade organizations which are, of course, involved, many of the community and other individual groups who would be affected by any changes and also other stakeholders in the system.

I might mention that we must be cognizant of the fact that in the European Community, by the year 1992, all of the countries which are a part of the EC are moving toward complete mobility of skilled personnel among its member nations. We must also recognize that other jurisdictions, other provinces of Canada like Quebec, British Columbia and Alberta, have already implemented some systems for recognizing foreign credentials. Again, they have done so in a way that benefits their particular provinces in a cost-effective way. From Ontario's standpoint, we must make sure that we do this so that we can harness these skills for the benefit of Ontario.

Mr Laughren: Time.

The Speaker: Order. I certainly appreciate the assistance from the member for Nickel Belt, but we have been managing all right.

ORTECH INTERNATIONAL

Mr Kormos: I have a question to the Minister of Industry, Trade and Technology. Ortech International, formerly the Ontario Research Foundation, received significant funding from the provincial government and has its governors appointed by the provincial government. I am sure it was after some significant study that it

located in the Niagara Peninsula, in the Brock industrial park, around a year ago.

That study undoubtedly would have indicated to it and to the government that there is need for its services because of the dense industry located in the Niagara region and certainly in the southern part of the Golden Horseshoe. After about one year, Ortech indicates that it is going to leave Brock industrial park and abandon the Niagara region. My question to the minister is, why is the government permitting that to happen?

Hon Mr Kwinter: I thank the member for the question and I am sure he is aware that I have a copy of the resolution passed by the Thorold city council. He should know that Ortech, notwithstanding that it reports through my ministry, is an arm's-length agency and I do not really have day-to-day, hands-on responsibility for it.

I have heard the representations from the city council of Thorold. I certainly will communicate that to them, but that is really their decision and it is their decision to make.

Mr Kormos: I know the minister has the Thorold city council resolution because I sent it over to him at the beginning of question period today. I know that Thorold city council wrote to him and that he replied.

I should let him know that this is of grave concern not only to the city of Thorold, but to the regional municipality. They sincerely believe that the decision of Ortech is ill founded and not based on reality. The fact remains that the government contributes significant financial resources to Ortech and is far more intimately involved with its operation than the minister would appear to have us believe.

In view of the fact that is of such great concern to the regional municipality of Niagara, to the city of Thorold, and of such importance to the whole Niagara region, would the minister agree to facilitate a meeting between himself, Ortech and representatives of those two communities, the city of Thorold and the regional municipality of Niagara, as soon as possible, so that this matter can be discussed?

Hon Mr Kwinter: Again, I want to point out that, contrary to what the member has said, we do not have a very, very intimate relationship in the way that Ortech is run. It has its own board of directors, its own chairman and it runs as an arm's-length agency. Certainly, I am cognizant of his concern. I will convey it to the people at Ortech and if we can arrange a meeting, I will be happy to try to facilitate it.

CORONER'S INQUEST

Mr Sterling: My question is to the Solicitor General. Will he call an inquest with regard to all matters surrounding the death of Christopher Stephenson and the handling of Joseph Fredericks, the man who has been convicted of murdering this young boy in Brampton?

Hon Mr Offer: As the member will be aware, the calling of an inquest is within the responsibility of the coroner of this province. The coroner, I understand from reports, is currently taking a look at the matter and is expected to make a decision in the next while.

1450

Mr Sterling: Under section 22 of the Coroners Act, if the minister has not already referred to that act and, I believe, inadvertently misled the House, he has the power to call a coroner's inquest. There seems to be ample evidence with regard to the matter that there is a significant problem that could be addressed with regard to the release of Joseph Fredericks from the Penetanguishene Mental Health Centre and the handling of this man over a period of years leading to the death of Christopher Stephenson.

Why does the minister not take that step at this time, because there is public concern not only outside this Legislature but within the Legislature to get to the bottom of this so that this can never happen again in our province?

Hon Mr Offer: Without dealing with the subject matter of the member's question at this point, but I will in a moment, I find the first comments of the member in his supplementary to be somewhat offensive.

I would like to indicate that the coroner is charged with the responsibility of making a determination in certain instances where death has resulted, taking a look at the subject matter, taking a look at public interest and public safety. The coroner is charged with that responsibility. I am advised, through a report, that the coroner is currently taking a look as to whether there will be an inquest called in that matter, and I believe that it is in the best interest of all of the members that we do await the coroner's decision in this matter.

Mr Sterling: On a point of order, Mr Speaker: I was not intending to be offensive. I was trying to point out to him what his rights were under section 22.

The Speaker: Thank you. Order.

Other people might want to ask questions. I distinctly heard what the member said and he came very close to the line.

ALCOHOL AND DRUG ABUSE

Mr Ruprecht: I have a question for the Minister of Health. Recently, the minister responsible for the provincial anti-drug strategy (Mr Black) announced a number of initiatives aimed at coming to grips with drug abuse in our area. Included in his announcement were funds for a prevention program which would involve the district health councils.

Can the minister tell me, and in fact all of those persons who are interested in a strong anti-drug strategy, what kinds of initiatives we can expect from the district health councils?

Hon Mrs Caplan: I would like to acknowledge the efforts and the leadership of my colleague the minister responsible for the provincial anti-drug strategy, as I answer the question and also acknowledge the interest of the member for Parkdale.

The Ministry of Health has contributed \$1.2 million through until March 1992 to fund the activities of community action groups. The district health councils will be making recommendations on proposals to support prevention activities that were announced and will, in fact, be seeking to participate in the development of community action groups, fostering them in their communities.

The district health councils of this province are also going to be developing three-year plans for drug and alcohol services. At the present time, they are very active in planning for the enhancement, appropriately, of the kind of initiatives which have been included in the provincial anti-drug strategy.

Mr Ruprecht: I thank the minister very much for that announcement. I am specifically interested in treatment centres.

Last week, I received a letter from the Metro Toronto Police stating that "in the west end of Toronto, there are no facilities for the rehabilitation of drug addicts." Can the minister indicate what direction her ministry plans to take in terms of increasing funds specifically for treatment and rehabilitation centres?

Hon Mrs Caplan: I am very proud of the initiatives that the Ministry of Health has undertaken and of our commitment to addiction programs generally. This year, addiction programs will total some \$43.3 million. I should note that is an increase of some \$17 million over the funding that was available in 1987-88.

Because of my desire to always try to improve the effectiveness and to improve, in fact, the quality of everything that we do, we are also

developing a database at the ministry to allow us to better evaluate the effectiveness of all of our programs. This is because of our commitment to develop quality assurance programs so that we can assure the taxpayers of this province that in fact we are providing effective and appropriate care to all of the residents of the province. The approach that we are taking, the addictions program, is just one example where we are trying to evaluate and monitor and then demonstrate that effectiveness as we further enhance our funding initiatives.

WORKER'S COMPENSATION

Miss Martel: I have a question to the Minister of Labour. I would like to raise with him another case under section 86n of the Workers' Compensation Act.

Mrs Boderka was injured on 16 January 1981 while hauling bags of fibreglass. Full Workers Compensation Board benefits were paid on and off in 1981-82, but in April 1983 these were reduced to 50 per cent of their original value. The reduced benefits continued until September 1983, when Mrs Bederka was pensioned off by the board. Her representative appealed to the Workers' Compensation Appeals Tribunal for full benefits between April and September 1983. The case was won in December 1987. The WCB stayed the decision and the payout in February 1988, and no money has been paid to her to date.

I would like to ask the Minister of Labour why he is continuing to allow the board to do this.

Hon Mr Phillips: I think we must go back and remind ourselves that in 1985 we made some substantial changes to Workers' Compensation Board procedures. We established the appeals tribunal and we put in place several mechanisms to allow a full and comprehensive look at all of these claims.

In this particular case we are dealing with a matter that I have mentioned several times in the House before. That is the issue of who has the final authority at the Workers' Compensation Board.

I have said in the House before, and I will say it again today, that is a matter that is still in some dispute. It is a matter that I have undertaken in the House that will be part of our review of the Workers' Compensation Board. A green paper, as I said before, will be issued in 1990, and that particular matter will be reviewed. But I go back to the changes that were made in 1985, where we established the Workers' Compensation Appeals Tribunal, substantially enhanced the appeal

mechanisms, and in that particular case, we are looking at what is called section 86n.

Miss Martel: I am glad the minister mentioned the green paper, because I would like to say a little about that process. The green paper committee, made up of labour and employer representatives, was set to look at this particular question and also many other issues under workers' compensation. First, that committee has not met in ages. It is not meeting now. It is not scheduled to meet in the near future.

The second problem is that both groups, labour and the employers, already presented to the Minister of Labour their final submissions about section 86n and those other issues.

The fact of the matter is that the employers believe section 86n should continue; labour believes that section 86n should be repealed so the independence of the tribunal is guaranteed and the tribunal will have the final say. The minister will have to choose whose side he is on, and I would like to ask him here today, which is it? Is he with the employers or is he going to be with labour and working people for an independent tribunal?

Hon Mr Phillips: It reminds me of the challenge we all face, and I believe strongly in consultation. I believe in giving individuals and organizations a chance to comment on and participate in the background and in the decision-making in matters such as this, so we cannot have it both ways. We cannot say that the minister has received advice and now it is up to him, without consultation, and have consultation.

My approach is to prepare and issue the green paper and to give the individuals and organizations a full and ample opportunity to comment on that and have input in it. As I say, we cannot have it both ways. We cannot say we want consultation and input and then not allow consultation and input. I cannot think of a better mechanism than the proposed green paper to ensure that we have broad and comprehensive input into this very important decision.

Miss Martel: They are not even meeting any more. The meetings are over.

The Speaker: Is the member for Sudbury East finished? The member for Sudbury East had her supplementary.

New question, the member for Mississauga South.

1500

ANNUAL REPORT

Mrs Marland: My question is for the Minister of the Environment. The minister has one of the

most important portfolios in this government. His mandate is to protect human health and the ecosystem by ensuring that acceptable standards of air, water and land are maintained, yet his ministry is one of the most difficult ministries to obtain information from.

Will the minister tell us why he has not tabled an annual report in four and a half years?

Hon Mr Bradley: I certainly can. I consider an annual report a waste of money. The reason I consider it a waste of money is that all an annual report used to be in the Ministry of the Environment was about 15 pictures of the Minister of the Environment saying, "What a great job we are doing." It essentially used to be government propaganda. Also, keeping in mind that an annual report is just what the ministry thinks it is doing well and the services that it is providing.

I can say that in speeches across the province. I can say that by providing direct information to people. I consider it a waste to put money into an annual report which, when I have looked at them over the years, I must say, have been very good for photographers and very good for ministers of the environment.

Mr Sterling: Thank you, thank you, thank you.

Hon Mr Bradley: But I cannot say that in fact they have been particularly useful, other than that.

Mr Sterling: He is repeating himself. Thank you, thank you.

Hon Mr Bradley: We do have a number of documents that we provide.

Mr Sterling: Come on, Mr Speaker, cut him off.

Hon Mr Bradley: We have a number of publications that we put out through our library and in other ways, and we are prepared to continue to do that.

Mr Villeneuve: Time.

The Speaker: Order. I hope the member for Carleton will respect the rules of the House.

Mrs Marland: The minister's staff is uncooperative and rarely returns phone calls. There is a rumour that he has closed down his ministry's full-service library at 135 St Clair, and the fact that he has not tabled the report is a concern for everybody. By law, we realize he does not have to, but the previous ministers of the environment all published annual reports as part of their duty to keep the public informed. This government,

obviously, feels it does not have to tell anyone what is going on.

The minister should know that I will be tabling an amendment to the Ministry of the Environment Act today to require him to report each year to this assembly. In the meantime, my supplementary question is, can the minister tell us when we will see a report of his activities over the last four and a half years?

Hon Mr Bradley: The member will get that kind of report through the estimates of the Ministry of the Environment, through questions in the House, through speeches which are made and through the various publications that we have. But if she is asking me, am I going to put out a propaganda piece on behalf of the government of Ontario, a show document, the answer is no, I am not going to do that, for a very good reason.

I happened to believe when I was in opposition that they were a waste of money, that all they did was promote the government, that all they did was make the minister look good. For that reason, I am not going to waste the money of the taxpayers.

Interjections.

The Speaker: It appears that many members are not interested in what is taking place.

EDUCATION FINANCING

Mr R. F. Johnston: Mr Speaker, I would like to raise something which may or not be a matter of privilege in the House and would like you to look at it, if you might, and report back to us if you think it is. I gather it was referred to in question period, but I think it is more properly a matter for you to consider than a question of a minister.

It has to do with the pooling legislation which has still not passed this House. I have learned that a notice will be sent by the Ministry of Revenue—about 1.5 million have been printed up—to go to corporations around the province to let them know about the new rules.

There are two matters here of privilege that concern me; one, that this might be sent out before the bill has actually been passed by this House. It strikes me as a dangerous kind of thing for us to get involved in and there has been a recent federal case, which we may recall, which was raised before the Speaker of the federal House of Commons. But the second point is perhaps even more important, and that is, within the actual wording of this piece of information that is going out, there is some misleading information.

The notice states as follows, "Under the new rules, business partnerships will have the right to direct school tax support to a separate school board and to the French-language school board in Ottawa-Carleton in the same proportion that the partnership is held by Roman Catholics or francophones."

At the committee stage, the committee changed the provisions in the legislation which had said this before and made it clear that in fact it was talking about Catholic ratepayers, people who supported the Catholic system. As members know, under our system a Catholic has the right to direct his funds to support the public school or the separate school system. It strikes me that if this information goes out, number one, in advance of our having passed the legislation and, number two, with information which is contrary to the government's own amendments of its own legislation, it would be a major, major mistake and an offence to this House. I ask the minister to investigate this.

Hon Mr Conway: If I might, Mr Speaker, since the pooling legislation is legislation for which I have responsibility, I will respond. I think my friend the member for Scarborough West raises a very valid point and I give him and the House an undertaking that I will immediately investigate it and report back, hopefully within a very, very short time.

The Speaker: The member rose and said that he might or might not have a point of privilege and now, with the undertaking by the minister, I wonder if the member would want to delay his request until the minister responds to him.

Mr R. F. Johnston: I am delighted by the response.

MOTIONS

COMMITTEE SUBSTITUTION

Mr Ward moved that on the standing committee on resources development Mr Mackenzie be substituted for Mr Pouliot.

Motion agreed to.

COMMITTEE SITTINGS

Mr Ward moved that the select committee on education be authorized to meet from 12 noon to 1 pm on Monday 18 December 1989.

Motion agreed to.

Mr Ward moves that the order of the House of Tuesday 10 October 1989 establishing the schedule for committee meetings be amended by striking out "the standing committee on resources development may meet on Monday,

Wednesday and Thursday afternoons following routine proceedings" and substituting therefor "the standing committee on resources development may meet on Monday and Wednesday afternoons following routine proceedings."

Motion agreed to.

PETITIONS

FRENCH-LANGUAGE SERVICES

Mrs E. J. Smith: I wish to present two petitions, both of which are in disagreement with the French Language Services Act and both of which I have signed but neither of which I agree with.

Mr Velshi: I have a petition signed by 18 members from the riding of Don Mills, properly addressed and requesting the repeal of the French Language Services Act. I have signed it. I do not agree with it.

Mr Sterling: This is a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the French ethnic population of Ontario at the time of confederation was less than 1.85 per cent; and

"Whereas all ethnic groups residing in Ontario at the time of confederation can claim to be founding people;

"Whereas the French Language Services Act of the province of Ontario creates a special status for 4.5 per cent of the provincial population; and

"Whereas the creation of a special status for one ethnic group discriminates against all other ethnic groups, comprising 95.5 per cent of the population and is a source of disunity within the province,

"Therefore, we, the undersigned, humbly pray and call upon the Legislature of the Province of Ontario to pass legislation repealing the French Language Services Act, being statutes of Ontario 1986, Chapter 45."

The Speaker: Just before I ask if there are any other petitions, this might be an opportunity to remind all members they might want to reread the standing order on the presentation of petitions.

1510

INTRODUCTION OF BILL

MINISTRY OF THE ENVIRONMENT AMENDMENT ACT, 1989

Mrs Marland moved first reading of Bill 98, An Act to amend the Ministry of the Environment Act.

Motion agreed to.

The Speaker: Does the member have a brief explanation.

Mrs Marland: Yes, Mr Speaker, I do. The purpose of the bill is to require the minister to publish an annual report on the affairs of the ministry. Obviously we in the Progressive Conservative caucus feel very strongly that while there are annual reports from other ministries, we do not have one from this one.

The Speaker: I asked for an explanation. You are not supposed to debate the bill at this time.

ORDERS OF THE DAY

FORT ERIE LIONS SENIOR CITIZENS COMPLEX INC ACT, 1989

Mr Haggerty moved second reading of Bill Pr37, An Act respecting Fort Erie Lions Senior Citizens Complex Inc.

Motion agreed to.

Third reading also agreed to on motion.

ONTARIO MIDWESTERN RAILWAY COMPANY LIMITED ACT, 1989

Mr Lipsett moved second reading of Bill Pr45, An Act respecting Ontario Midwestern Railway Company Limited.

Motion agreed to.

Third reading also agreed to on motion.

ONTARIO MORTGAGE BROKERS ASSOCIATION ACT, 1989

Mrs E. J. Smith moved, on behalf of Mr M. C. Ray, second reading of Bill Pr46, An Act to revive Ontario Mortgage Brokers Association.

Motion agreed to.

Third reading also agreed to on motion.

HOMES UNLIMITED (LONDON) INC ACT, 1989

Mrs E. J. Smith moved second reading of Bill Pr52, An Act to revive Homes Unlimited (London) Inc.

Motion agreed to.

Third reading also agreed to on motion.

BRANTFORD AND SOUTHERN RAILWAY COMPANY INC ACT, 1989

Mrs E. J. Smith, on behalf of Mr Neumann, moved second reading of Bill Pr54, An Act respecting the Brantford and Southern Railway Company Inc.

Motion agreed to.

Third reading also agreed to on motion.

TIMES CHANGE WOMEN'S EMPLOYMENT SERVICE INC ACT, 1989

Ms Poole moves second reading of Bill Pr56, An Act to revive Times Change Women's Employment Service Inc.

Motion agreed to.

Third reading also agreed to on motion.

THIRD READINGS

TROISIÈME LECTURE

The following bills were given third reading on motion:

Les motions de troisième lecture des projets de loi suivants sont adoptées :

Bill 49, An Act to provide for Freedom of Information and Protection of Privacy in Municipalities and Local Boards.

Le projet de loi 49, Loi prévoyant l'accès à l'information et la protection de la vie privée dans les municipalités et les conseils locaux.

Bill 52, An Act to amend certain Statutes of Ontario Consequent upon Enactment of the Municipal Freedom of Information and Protection of Privacy Act, 1989.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY AMENDMENT ACT, 1989

Mr Ward, on behalf of Mr Elston, moved Bill 84, An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions.

Mr Sterling: I just want us all to notice Frank White in the government's gallery, who has done a tremendous amount of work on the original Freedom of Information and Protection of Privacy Act and these three bills that we have just passed, or are about to pass, into third reading. I would even give the nod to Mr White in terms that his overall knowledge of freedom of information might even be greater than that of many of the members of the Legislature of Ontario.

Motion agreed to.

1520

THIRD READINGS

TROISIÈME LECTURE

The following bills were given third reading on motion:

Les motions de troisième lecture des projets de lois suivants sont adoptées :

Bill 69, An Act to amend the Courts of Justice Act, 1984;

Bill 70, An Act to amend the Evidence Act;

Bill 79, An Act to amend Various Statutes in connection with information to be filed and records to be kept by Corporations and Limited Partnerships;

Bill 81, An Act to amend the Courts of Justice Act, 1984;

Bill 92, An Act to amend Fines and Terms of Imprisonment contained in certain Acts;

Bill 64, An Act to amend the Education Act and certain other Acts related to Education Assessment;

Bill 65, an Act to amend the Ottawa-Carleton French-Language School Board Act, 1988;

Projet de loi 65, Loi portant modification de la Loi de 1988 sur le Conseil scolaire de langue française d'Ottawa-Carleton ;

Bill 36, An Act to revise the Public Service Superannuation Act. [See page 4877.]

MUNICIPALITY OF METROPOLITAN TORONTO ACT (continued)

Resuming the adjourned debate on the motion for second reading of Bill 53, An Act to amend the Municipality of Metropolitan Toronto Act.

Mr Breagh: Very briefly, the requests from municipalities sooner or later become law and this is one of those indications of the municipality of Metropolitan Toronto making a number of requests. As is normal practice around here, we think that the municipalities, when they require a legislative change, are basically the place where those matters ought to be debated. Whether or not we agree with all of what has been proposed in the bill, it is generally conceded that this House should not stand in the way of a legitimate request by the municipality for a legislative change. We will support the bill.

Mr McCague: As my colleague the member for Oshawa has said, these bills are fairly routine. It is sometimes hard to understand why two times a year we come up with amendments to most of the bills. However, it has been a tradition that has been going on for many, many years, and I suppose we cannot blame the parliamentary assistant to the Minister of Municipal Affairs, the member for Durham-York (Mr Ballinger), for this one.

Mr Ballinger: I have no intention of dragging it out. As the member for Oshawa said, I just want to thank both opposition critics for supporting this bill. There is some urgency on behalf of Metropolitan Toronto.

The Deputy Speaker: In the absence of Mr Sweeney, Mr Ballinger has moved second reading of Bill 53, An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

Bill ordered for third reading.

DISTRICT MUNICIPALITY OF MUSKOKA STATUTE LAW AMENDMENT ACT, 1989

Mr Ballinger moved, on behalf of Mr Sweeney, second reading of Bill 34, An Act to amend the District Municipality of Muskoka Act and the Education Act.

Mr Ballinger: Very briefly, for the benefit of the members of the House, this legislation implements the request of the council of the district of Muskoka to establish uniform mill rates for district and school board purposes. They will permit the district municipality in each school board to establish one mill rate for residential purposes and one mill rate for commercial purposes, to be applied uniformly within their respective areas of jurisdiction.

In 1987 a district-wide reassessment was implemented similar to that enacted for the regions of Sudbury and Waterloo and the counties of Brant and Huron. However, continuation of the former cost-sharing and levy arrangements have meant minor variations in the district in school board mill rates among the six area municipalities. With the establishment of uniform mill rates, councillors, trustees and ratepayers alike will be able to understand and compare property taxes between properties located throughout the district.

This legislation will also require the Minister of Revenue (Mr Mancini) to direct an assessment update of all properties in 1993 to reflect subsequent changes in market value and to implement further assessment updates every four years thereafter. This regularized update of assessment is consistent with the arrangement adopted in other region-wide and county-wide reassessments that have been implemented. While these changes will have very modest tax consequences within the district of Muskoka, they should nevertheless be recognized as another step forward in our continuing effort to improve the property tax system in Ontario.

Mr Breagh: Once again, this is essentially a process that we all recognize, of the municipality

making a request of the government of Ontario to adjust the process whereby assessments are levied against property taxpayers.

I want to say a couple of little things about this. I know there have been negotiations back and forth and I accept that process as being one that is worth while. I do accept that in many of our municipalities we do not have the uniform mill rates that are provided for in this bill, and it does cause major problems and major headaches. They are, for the most part, located in parts of the province where the growth and development happens at unequal stages and where the planning of local government has also happened at different times and in different ways. It does pose a problem. This is one way to rectify a small portion of that problem.

1530

The difficulty that is posed by this particular approach—and I am not going to take any exceptions to what is being proposed in this bill, but there is a problem; the problem is that many municipalities, like the one we are discussing now, the district of Muskoka, do not have a great deal of an industrial base on which to carry out all of the municipal services that are required. An adjustment like this will be not noticed in the first little while; it will be a little bit fairer, perhaps, than the process that is there now.

I get somewhat upset sometimes when it is portrayed that this is going to do anything for anybody. It really does not. If there are those who feel that this particular process will solve a mill rate problem in Muskoka, it will not. It will do the distribution thing a little fairer and that is all. But the basic problem of a municipality that does not have an industrial tax base remains in place, and they face—in a way that is much worse than many of our other municipalities—the ongoing crunch of municipal financing.

It will be worse in a place like Muskoka than it will be in a place like Oshawa, simply because my own community in the region of Durham has a pretty strong industrial base. So, they can continue to finance municipal projects at a rate that is not pleasant, that people do not like, but they can handle it. A place like Muskoka cannot. That is essentially my concern.

This is an adjustment to a system that is wrong; it is an adjustment to a system that is wrong; it is an adjustment that makes a wrong system a little bit fairer. But it will not help anyone in that area escape what is bound to be a very difficult problem in the foreseeable future.

One other point that I wanted to mention was that some of us think about a place like Muskoka

as being a holiday area. As you go through those areas now, you will find that more and more people are taking up permanent residence in these areas. While we once thought of them as places where you go to enjoy yourself in the spring, summer or fall, they now have a continuing population base that has to be served, and requirements for servicing in all fields, from hard services like sewer and water to education and social services, and they struggle to try to provide the services that are necessary with a tax base that is not very powerful.

We support the bill and we support it basically on the premise that if any of the municipalities asks the government of Ontario to provide them with something such as is called for in this bill of a uniform tax rate, we should acquiesce to that request. But none of us should feel that we have done very much to resolve long-standing financial problems in doing so.

Mr McCague: Some months ago, second reading of this bill was in the Orders and Notices and we were encouraged by the member for Muskoka-Georgian Bay (Mr Black) to support it. I understand that something went wrong back home and that those who were supposedly in support of this bill found some problems with it.

I hope the parliamentary assistant, the member for Durham-York (Mr Ballinger), will take a moment just to explain to us what went wrong and the urgency of passing it today. But I will be supporting him on this. If he does not answer my question, the next one will be much more difficult.

Mr Ballinger: I want to thank the member for Oshawa (Mr Breaugh) who, as always, very astutely understands the issue and some of the complications involved with this particular bill.

To the member for Simcoe West (Mr McCague), the easiest thing I can say is I was not the parliamentary assistant when discussion took place last year, but my understanding was that they had renewed negotiations. I am in receipt of a letter, which I will pass on to the member, that will clearly identify that after second reading we will be proposing two amendments that were of some concern to the member for Simcoe West, who addressed their major concerns. The ministry has agreed to those amendments—I have another one here as well, I am sorry—and I think will very amply resolve the questions of the member for Simcoe West.

The Deputy Speaker: In the absence of Mr Sweeney, Mr Ballinger has moved second reading of Bill 34, An Act to amend the District

Municipality of Muskoka Act and the Education Act.

Pardon me? Did you want to talk on this?

Mrs Marland: Mr Speaker, I recognize that I probably should not be speaking after the parliamentary assistant. I wonder if I can ask your indulgence because the printed order today for these bills has been revised somewhat and I do not have a copy of the order that we are in now. I was actually in another location; I want to make two minutes' comment on this bill, that is all.

Hon Mr Ward: If it will help the member, the member will know that the orders are always listed in the orders and notices and the business sheet is just a guideline. Notwithstanding that, we will be moving into committee of the whole House for two amendments that the parliamentary assistant indicated. The member may wish to make her comments at that time and she will have ample opportunity.

The Deputy Speaker: Is that agreeable with you?

Mrs Marland: Thank you, Mr Speaker. I just want to say, in respect to Bill 34, An Act to amend the District Municipality of Muskoka Act and Education Act—

The Deputy Speaker: Order, please. I thought I just heard the government House leader say that if we are going to go to committee of the whole House, at that moment you will have your opportunity to speak.

Mrs Marland: I am sorry. Thank you.

The Deputy Speaker: In the absence of Mr Sweeney, Mr Ballinger has moved second reading of Bill 34, An Act to amend the District Municipality of Muskoka Act and the Education Act. Is it the pleasure of the House that the motion carry?

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

DISTRICT MUNICIPALITY OF MUSKOKA STATUTE LAW AMENDMENT ACT, 1989

Consideration of Bill 34, An Act to amend the District Municipality of Muskoka Act and the Education Act.

The Chair: At this point, I would like to list all sections to which members would like to—yes?

Mr McCague: On a point of order, Mr Chairman: It was not too many days ago that I was scolded—I am not sure whether it was by you

or by the member for Oshawa (Mr Breough)—for not providing copies of amendments. I find two things a little upsetting. That is number one.

The second one is, there was no reference to the fact that this is going to go into committee of the whole House today. The House leader may tell us that there was agreement made to go into committee of the whole. I look at the 16th order. I know it says committee of the whole. But it says also, as I understand it, what is going to be considered today, and we do not have this.

Maybe you could straighten me out on those two points, Mr Chairman.

The Chair: Pertaining to the first point, of course we have reminded members a number of times to try, according to the standing orders, to give us two hours' advance warning, along with seven copies of the proposed amendments to the table. That has been an invitation sent to all members of the House, an invitation that I must admit has not been fulfilled by everybody.

As for the second point, the standing orders clearly state that we can proceed with any progressive step, with any piece of legislation, any one day unless 12 members stand up in the House and object to it, which I have not seen. Therefore, we are proceeding.

Mr Breough: Are these amendments still secret or may they be shared with the opposition critics, so we could decide whether they are good or bad?

The Chair: I think all of us would like to share in them, not only the opposition critics.

1540

Mr Ballinger: On a point of order, Mr Chairman: The way the House has been working the last few days, I do apologize to the opposition critics. Last week, I did table the amendments with both critics but we adjourned the debate on Bill 53. We were to be doing Bill 53 and Bill 34 together. I have extra copies. I thought they might have the amendments with them but I have additional copies here.

The Chair: We would like to have them distributed. Would you like to move up to the front? Do Hansard and the interpreters have copies of these?

Mr Ballinger: In checking with the clerk, my understanding is yes.

The Chair: We are ready to start listing proposed amendments? The government has two amendments to section 3 if I am correct.

Mr Ballinger: Yes.

Mr Breough: I have copies of two amendments but they are the same thing.

Mr Ballinger: I would suggest that the member for Oshawa change one of the amendments with the member for Simcoe West (Mr McCague). Obviously I sent them both in the wrong hand.

Mr Breough: I do apologize. The page just brought me the other amendment.

The Chair: Would the official opposition or the third party have any amendments? No? Therefore, the only two proposed amendments are to section 3 and they are government amendments.

Sections 1 and 2 agreed to.

Section 3:

The Chair: Mr Ballinger moves that subsection 78(7) of the act, as set out in section 3 of the bill, be struck out and the following substituted therefor:

"In 1993, for purposes of taxation in 1994, the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities."

Mr Ballinger: The reason for this amendment was at the request of the district council. They were concerned with the proposed 1992 update which was based on 1988 values. By the time they got finished with the update, which was supposed to take effect in 1993, the taxation would be based on values that were already five years old. So the ministry accepted this council's suggestion to have the new values based on 1992 market values as opposed to 1998 market values to bring them closer together.

Mr Breough: We are just trying to keep the parliamentary assistant awake this afternoon. We would certainly support the returning of the rolls.

Mr McCague: Mr Chairman, did the parliamentary assistant mention a date of 1998?

Mr Ballinger: Sorry, if I said 1998, I meant 1988.

The Chair: Any other comments, compliments, good wishes of the season, whatever?

Motion agreed to.

The Chair: Mr Ballinger moves that section 78 of the act, as set out in section 3 of the bill, be amended by adding thereto the following subsection:

"(17) For the purposes of sections 362 and 363 of the Municipal Act, the district corporation shall be deemed to be a municipality."

Any opening statement?

Mr Ballinger: No, I think the amendment is self-explanatory.

Mr McCague: Maybe the parliamentary assistant would like to explain it to us.

The Chair: Would the parliamentary assistant explain that to us?

An hon member: He will tire himself out buttoning his jacket.

Mr Ballinger: I am having difficulty getting it buttoned this close to the festive season.

I want to thank the member for Simcoe West. In the Municipal Act, it does not recognize "district" and all this is doing is cleaning it up because we are talking about the district of Muskoka. In most other areas across Ontario it is counties, regions or local municipalities.

Motion agreed to.

Section 3, as amended, agreed to.

The Chair: Shall sections 4 to 8, inclusive, carry?

Mr Breough: I understood that the honourable member for Mississauga South wanted to make a few brief remarks and that probably will be most appropriately done under section 8.

The Chair: Thank you for reminding me.

Mrs Marland: In commenting on Bill 34, An Act to amend the District Municipality of Muskoka Act and the Education Act, we should place on the record the concerns about where assessment as a whole is going to be headed in the district of Muskoka. The concern with Bill 34 that has been expressed by the major property owners who will be affected by this bill is something that unfortunately the drafting of the bill has not addressed.

The concern is over the result of this bill, which enables the district to mark up—automatically mark up, as a matter of fact—the assessment of properties in Muskoka periodically. Muskoka is a resort area but not a resort area that combines resort properties with other kinds of properties which may be found a little south of Muskoka, closer to the metropolitan areas. One can have property owners and then one also has even industrial, commercial and many business owners.

The thing that is unique about the district of Muskoka and the thing that is really a concern there is that something close to 80 per cent of the assessment—in other words, something close to 80 per cent of the money that comes into the treasury of the district—comes from the recreational property owners: the cottage owners, the waterfront owners, since most of the cottages are on waterfront.

Here we have a situation where recreational property owners are supporting the majority, by a

great extent, of the funding for the operation of that district, and here we have a bill that is going to enable the increase or the markup of those assessments from time to time by the district.

The concern is that with the rate of assessment that exists today for those property owners, the end result will be that people simply will not be able to afford to have recreational properties in Muskoka. It is going to be that simple. It is going to be that black and white. They will not be able to afford their recreational properties because they will not be able to afford to pay the taxes.

That may be all well and good if one thinks from a purely socialistic point of view. One might think: "That's too bad. All those rich people who have properties in Muskoka can't pay the taxes. That's too bad. They may have to sell their properties at a reduced price and they won't be there any more. We'll drive the people away."

1550

Whether or not we care about the recreational property owners—and when I say "we" I mean "we" in the royal sense—whether or not the Liberal government cares about the recreational property and cottage owners, that has to be a factor of concern on two points. One is that if the government members care about them at all, they will want them to stay there because it is their property taxes that drive the economy of the district of Muskoka. If we do not have recreational property owners there paying taxes, then the cost of operating the district falls purely on the nonseasonal residents. The cost of roads, snow removal, garbage, water, whatever it is that is a major cost to operating a region, will then fall on the year-round residents.

If we look at the percentage of residents who are year-round—and of course the major expense included in that is the education system—we know full well that there is no way that the assessment from the year-round residents could support those services in the district of Muskoka without the cottage and recreational properties taxes.

So there are the two factors the government has to be concerned about. First of all, if they keep increasing the assessment, eventually they will drive the cottage and recreational property owners out of there because they cannot afford that kind of assessment and pay that much money in taxes on recreational property. They are not their primary homes. If they drive them away, where are they going to get the money to pay for the school systems, the school board and all the other services in the district?

There is an even deeper irony about the district of Muskoka, and that is that even though recreational or cottage property owners pay taxes at the going assessment, they cannot send their children to schools in the district of Muskoka. We certainly found that out on a personal basis, as did a number of people in that area, because when the local school board was on strike, even though you were a full property assessment taxpayer in the district of Muskoka, you could not access the Muskoka Board of Education's schools. Even though almost 70 per cent of your taxes for your cottage pay for the education in the district of Muskoka, you are not entitled to send your children to those schools. What would happen if the province lost that revenue and that income which holds and drives the economy, a successful economy, I may say, of the district of Muskoka? If we lose that, then the cost of those services will fall back on the provincial government.

I do not think that is really what the Liberal government wants. I think they want the district of Muskoka—at least I would assume they do—to continue to be successful, both economically and socially. The demand for social services in the district of Muskoka, as with many other services, is very much reduced by the fact there is a majority of seasonable residents. I think it is important to know that although the district of Muskoka thinks that Bill 34 is fine on the surface—I cannot speak for the district of Muskoka but I do, however, speak for some people whom I know very well who are recreational property and cottage owners in that district. Those people are concerned. With reassessments, even with the most recent reassessment, they went from taxes of something like \$800 a year to \$3,000 a year.

Frankly, if it is recreational property, most people cannot look at an increase over—if they are already paying \$3,000 and Bill 34 allows for increases by the district in their assessment, they obviously are going to be at a point where they can no longer keep those properties and we may end up with abandoned properties, vacant properties and people simply moving out. I think that will be a loss to the economy and success of the district of Muskoka. I would hope it is not a direction that the provincial Liberal government would like to see the district go in. I hope that the Liberal government will look again at what assessment is doing and who is paying the big dollars in Muskoka for education and all the other hard and soft services.

Sections 4 to 8, inclusive, agreed to.

On motion by Mr Ballinger, the committee of the whole House reported one bill with certain amendments.

Hon Mr Ward: Mr Speaker, I would like to seek unanimous consent that third reading of Bill 36, An Act to revise the Public Service Superannuation Act be rescinded. Just by way of explanation, Mr Speaker, you will know that on most occasions things around here move very slowly; sometimes they move too quickly.

The Acting Speaker (Mr Cureatz): Looking about the chamber, I believe we have unanimous consent for the rescission of Bill 36.

PUBLIC SERVICE PENSION ACT, 1989

Ms Hošek, on behalf of Mr Elston, moved third reading of Bill 36, An Act to revise the Public Service Superannuation Act.

Mr Morin-Strom: I think it is appropriate that we have a debate on the third reading of this bill. This is a bill which clearly lays out the government's position with respect to pension legislation, affecting not only public servants in the province of Ontario in this case, but in fact the kind of position that it is going to take on pension legislation in the future.

Bill 36 has worked its way through the Legislature during the past several months. During that process we have seen an absolute inability of this government to listen to the employees of this government, to take into account the fact that the pension plan that is affected by this bill is the property of the public servants of Ontario. All of their objections with respect to this bill have been ignored completely by the government.

During the committee stage in the past several weeks we have heard a number of concerns expressed by the elected representatives of the public servants of Ontario, the vast majority of them being members of various locals of the Ontario Public Service Employees Union. The serious concerns that OPSEU raised with this government were not addressed in any way during the clause-by-clause hearings on this important piece of legislation.

This bill came forward with some intentions of opening up a dialogue with public servants in this province, with at least the pretence of giving them the opportunity to have a choice, potentially, of a jointly controlled pension plan in which the public servants of the province and the government would jointly manage the very large funds and responsibility that is associated with the public service superannuation of Ontario.

1600

They were also offered the opportunity to take over the plan, in terms of the original language that was in the bill, from the government. However, the reality is that the government was never serious about either of those options and was insistent upon imposing its own model of what a pension plan should be and maintaining and enhancing the absolute and total control that the government had over this very large and very important pension plan that affects thousands and thousands of families across this province.

The government ignored the recommendations that were made to it by its own commissioned studies. During the last couple of years major studies were prepared and presented to the Treasurer (Mr R. F. Nixon) and to the Chairman of the Management Board of Cabinet (Mr Elston). Those studies, commonly called the Rowan study, the Coward study and, most recently, the Slater study, all made very important points with respect to the management of this plan. This government has not managed this plan in the best interests of its employees historically.

It has taken advantage of what is really a conflict-of-interest position and, instead of investing the funds to achieve the best possible returns and minimize the risk to the employees, the government has abused the trust position it was put in and has turned the funds back to the government to be used for other purposes, paying back into the fund clearly insufficient rates of interest and rates of return on those borrowings. All three studies criticized the government severely for that action and asked that these pension funds be opened up to market investments.

The government knows that it should have provided to the public servants the same kind of pension plan protections that the Pension Benefits Act provides to pension plans in the private sector and in other public sectors that are not affected by this bill. The Pension Benefits Act insists that the board that manages a fund invest that fund to achieve the best possible return, to achieve a mix of investment and to minimize the risk to the employees. The fact is that the government management of this fund has resulted in borrowings back to the government at insufficient returns. The result has been a fund which has been deficient and shows an accumulated deficit, which is certainly not the fault of the employees to whom these funds belong. It has not been their mismanagement. It has not been their control of the plan that has been at fault.

This government proposal does nothing to address that and, in fact, enhances the government's control by now allowing itself provisions to be able to change the plan in future, in almost an unprecedented fashion, solely by a direct cabinet order without even having to come back to this Legislature. At least in the past the public servants of the province had the protection that if the government wanted to make changes to its plan, if the government wanted to make changes to the Public Service Superannuation Act, it had to come into this Legislature to get a new bill passed to provide those amendments. This bill will now provide the cabinet with unilateral ability to do that on its own.

One of the most serious aspects is the whole issue of who the funds belong to. The government has made clear, in this bill and in a similar bill affecting teachers' pension that is being addressed by the standing committee on social development right now in clause-by-clause, that its position is that the funds do not belong to the employees, those funds are not there held in trust by the board and managed in the best interests of the employees. The government is making clear that its position is that pension funds belong to the employer.

In this case the government is saying, "These pension funds belong to us, they belong to the province of Ontario, they do not belong to the employees of the province of Ontario." The government is establishing that by giving itself the right to surpluses that may be generated in the future, to benefits in terms of actuarial gains that may be achieved. The government wants total and complete access to those potential windfalls in the future. The government claims that it is going to cover that accumulated deficit which it is responsible for due to its mismanagement over the years. But a careful reading of the bill, an analysis of the bill, shows quite clearly that actuarial gains and surpluses that will be achieved in this plan can be used directly to eliminate those government payments to cover that debt.

This bill is one that is totally inadequate. It does not address the fundamental concern of the employees of the province who want to have some say, want to have some control over their funds. They expect that the management of this fund will be in the best interests of those employees. These funds should be held in trust for the benefit of them and their families.

Most fundamentally, this government has refused to negotiate, has refused to recognize the right of the representatives of the employees of

this province to be able to negotiate pensions as an issue to the same extent that they can negotiate wages, other benefits and working conditions. It is established in the collective bargaining legislation of Ontario that bargaining can occur on almost all aspects of work in the province, but not on their pensions, and this government continues to refuse to recognize that, as employees in the private sector have that basic right, employees of Ontario should similarly have the right to face the government face to face and to be able to negotiate the pensions that are going to be there in their future to provide for them and their families.

This bill is really an affront to all the public servants of this province and I would ask that it be soundly defeated.

Mr Reville: In order to avoid alarming people who are serving in committee at the moment or members who are elsewhere than in the chamber, I want to indicate that there has been unanimous consent to put this vote over until after routine proceedings on Monday of next week.

The Acting Speaker: That is very informative. We appreciate it very much. However, we should have the opportunity to allow the parliamentary assistant to have any concluding remarks.

Ms Hošek: I am speaking about Bill 36 and I have taken account of some of the statements that were made by the member opposite. He is particularly concerned about his claim about the previous management of the pension plan, and its financial management in particular. The whole point of Bill 36 is to make sure that the 85,000 members of the Ontario public service have adequate pensions and also have properly funded the indexation benefit that they were promised in 1974. Those indexation benefits were promised but were not adequately funded by the arrangements that were made then. This legislation is meant to make sure that those benefits are properly and adequately funded.

In order to do that, the plan is going to be managed in a somewhat different way. The whole question of the funding of indexation benefits is addressed. What we are doing in this bill is securing inflation protection for the public service people who are in the plan in a way which is fiscally responsible, to ensure that the problems that we currently have are not passed on to future generations of plan members and future generations of taxpayers. In order to do that, both the employer—in this case, the government—and the employees are going to be increasing their contributions to the plan, at one per cent each of

payroll, to pay for future benefits. However, all the problems in the indexation fund to this day are going to be paid for by this government. Those benefits have been inadequately funded to the tune of \$2 billion. This is an enormous amount of money, by anybody's reckoning.

1610

What this bill does is make the commitment that the government will pick up that \$2 billion past-service deficit. So any of the problems associated with the past will be paid for by the government, and the changes in the legislation that require that both members and the government pay an extra per cent of payroll will make sure that the future benefits will be paid for by the future recipients of those benefits.

The other thing that is going to happen in this situation is that the investments that are currently in the plan will be turned into market investments, investment in the marketplace which will yield, presumably, more or less the usual results of all investments in the market, which we hope in fact will be stronger and better than they have been in the past.

However, let me point out to the member opposite, who has heard this but seems not to want to hear it, that the payments that were made in the past by the government, the way in which the government borrowed money from the pension plan meant that it paid one per cent more for those pensions, or several per cent more in some cases for those moneys borrowed than it would have paid in the open market. So the money that the pension plan got from the government's investment was a reasonable amount of money.

What is going to happen as a result of this bill is there will be an arm's-length board to administer the plan and the fund. That board will operate under the rules of the Pension Benefits Act with fiduciary responsibility. The government remains the sponsor of the plan, but the door is left open for either a joint partnership plan or for a plan run entirely by the membership. When and if the membership makes the decision either to run the plan on its own or to come into a joint partnership arrangement with government, then those two possibilities remain apparent and available in the act.

The excellent benefits in the plan will be maintained. There are some enhancements in the plan, including opportunities for people to be members of the plan who in the past have not had that opportunity. The most important thing of all will be that the secure benefits to which our

public sector people are entitled will in fact be guaranteed and maintained.

The Acting Speaker: Ms Hošek has moved, on behalf of Mr Elston, third reading of Bill 36. Is there agreement that the motion carry?

All those in favour, please say "aye."

All those against, please say "nay."

In my opinion, the ayes have it.

Hon Mr Mancini: I request unanimous consent that the vote be deferred and taken following routine proceedings on Monday coming.

The Acting Speaker: Seeing no objection to that, agreed.

Vote stacked.

MUNICIPAL STATUTE LAW AMENDMENT ACT, 1989

Mr Ballinger moved, on behalf of Mr Sweeney, second reading of Bill 90, An Act to amend the Municipal Act and certain other Acts related to Municipalities.

Mr Ballinger: Today I am presenting for second reading amendments to the Municipal Act. These amendments will clarify certain sections of the act and give municipalities greater authority and flexibility in certain areas.

The first provision in the legislation will clarify that photocopies and microfilm copies of municipal documents can be used as evidence in court and will deem copies to be originals when the originals have been destroyed.

This legislation also gives municipalities greater flexibility in collecting sewer and water charges. Amendments will permit municipalities to use per-lot charges, set rates that combined operating and capital costs and eliminate the need for the Ontario Municipal Board to approve rates. Changes to the legislation will provide that even properties exempt from municipal taxation pay sewer and water charges, allow municipalities to adjust charges to reflect actual services received and permit them to redetermine charges to be imposed among new owners when lots have been altered.

It will provide the regional governments the right to enter into joint services agreements with other regions. Other municipalities in the province already have this right. The legislation also has a number of amendments which clarify municipal powers to regulate parking and permit municipalities to act with more flexibility.

The first amendment lets municipalities re-define parking benefit areas without rezoning. Approval from the Ontario Municipal Board

must still be required. A parking benefit area is an area in a municipality which derives a special benefit from a parking lot or garage. The municipality then can increase or decrease the levy on specific properties in the parking benefit area. It will also provide clear authority to municipalities to pass bylaws regarding parking or stopping of vehicles on roads and to discriminate among other classes of vehicles for the purposes of parking regulations.

The legislation also allows municipalities to charge varying fees for parking metres at different facilities. This bill provides municipalities with the authority to lay parking charges on private or municipal property without the consent of the owners to facilitate the laying of charges.

Officials will no longer require a written complaint from the owner of the property before charges are laid. In court, the evidence of police officers and municipal law enforcement officers will be sufficient. This will make obtaining convictions much easier for the municipality.

Reference to special constables is now eliminated from the Municipal Act. This is consistent with the policy of the Ministry of the Solicitor General in phasing out the use of special constables.

The legislation will transfer dog licensing provisions from the Dog Licensing and Live Stock and Poultry Protection Act, administered by the Ministry of Agriculture and Food, to the Municipal Act, administered by the Ministry of Municipal Affairs. At the same time, they are being modernized and expanded to give municipalities greater powers of control.

The amended provisions will increase the maximum fine for dogs running loose to the maximum fine for other offences under the Municipal Act; enable municipalities to require muzzling or leashing of dogs that have attacked a person or domestic animal; remove the limit on the charge for a kennel licence; permit different fees for licensing dogs, and permit municipalities to establish clinics for spaying and neutering dogs and cats and to set the fees. Municipalities will also be able to implement their own identification systems.

It will also amend the Dog Owners' Liability Act to establish liability for damages if a dog bites or attacks a domestic animal or person.

The legislation also makes it an offence for a dog owner to be irresponsible and not taking precautions to prevent the dog from harming another person or domestic animal.

Mr Breagh: These are blood relatives of yours.

Mr Ballinger: It is tough, Mr Speaker, let me tell you.

Finally, municipalities will be required to ensure that municipal law enforcement officers who are not municipal employees are properly trained and supervised, with a six-month phase-in period provided in this legislation.

Mr Breagh: This is an interesting bill because it operates at so many different levels, everything from "Can we use a photocopy when we go to court?"—and, of course, we should be able to do that—to muzzling dogs. But I want to talk about a couple of things that I heard the parliamentary assistant pass over fairly quickly, because I think they need a little more attention than muzzling the dogs and fixing the parking metres. I do not question for a moment that those things have to be done.

Although I did not see the words used in here, there are a number of us who have thought for a while now that if we are going to have a thing called the greater Toronto area, we ought to recognize it in law. In fact, that is what this bill is doing, in part.

This bill is the first one that I can recall where it lays out in broad general terms the kind of framework that would be required for regions to enter into agreements for little things like sewer and water projects, little things like garbage collection, little things like transportation, perhaps, at some later date. It would give to the regional governments in and around Metropolitan Toronto, for example, a clearly defined legislative framework.

Now, I think that is the way it should be done. I frankly wish the government had been a little more straightforward when it presented this, because I tend to think that someone in the ministry has pointed out to it that there are lots of these agreements in place now, but we are never quite sure precisely on what legal basis they were put together. Certainly, a number of us have questioned precisely on what legal basis there is now almost a ministry called the greater Toronto area and staff allocated to something which does not exist called the greater Toronto area. It is no wonder the government had to assign the boy wonder of the ministry, Gardner Church, to handle such a task. It is the first phantom ministry I have ever encountered here. I am sure he will handle it well.

1620

There are a couple of other things that I think we should get on the record too. I have advocated for a long time now that municipalities are often hampered by some pretty stupid rules when it

comes to setting things like water and sewer rates. I note that this bill ought to give them about as much flexibility as they could ever want in terms of setting that out.

I am quite prepared to try that, simply because there have been too many restrictions, rather silly ones, up until now. But I want to point out—because members may hear from me a little later on this in a slightly less conciliatory vein—that there is room for abuse here and I am going to be the first one to start screaming when I see a regional municipality which decides that a really good way to make money is to hook up a sewer plant somewhere and pump sewage through some houses. I hope that is not what is envisaged in the bill and I hope that is not what turns out to be the case.

But as I look at people who are attempting, vainly these days, to purchase a new home in any of the regions in and around Metropolitan Toronto, they are really getting it put to them pretty well. They get lot levies thrown at them now on a substantial basis, but both the municipality and the regional government, and now the school boards, will have their way with them, as well.

They are getting knocked by a provincial government that is withdrawing substantial portions of funding as it goes its merry way. They have to hope that roads which were planned—because I have seen the blueprints 10, 15 years ago—but have never been built will suddenly appear and that somebody will fund those, because they are not.

I am surrounded by municipalities where I live that have had huge increases—and you would be aware of this, Mr Speaker, because you live there—in the number of homes in small villages. I happen to pass through the village of Newcastle every once in a while, and the village of Newcastle, for those of you who have not had the pleasure, is a pretty little village in the middle, not quite in the middle, but in what we would consider to be the rural region of Durham, or it used to be. I was amazed to see that the village of Newcastle has been swallowed up by subdivisions all over the place. You can still find the village of Newcastle, but it is beginning to look remarkably like the village of Pickering.

The village of Pickering still exists too. There is this cute little enclave of a village in the middle of this huge, Mississauga-like development that is now Pickering. They are going to have some problems in trying to figure out just precisely how to provide services. The irony is, even if they had the cash in hand now, even if they could

convince the development industry to provide them with schools, policing, social services, roads, sewers, fire services, libraries and all the things that people who move into the suburbs, such as the ones I have just talked about, expect to be there, they are not there and they will not be there for several years to come.

There is a place called Courtice, 100 yards from where I live. Courtice has had huge amounts of development. Those are all people who are moving into what was once a rural area of the region of Durham. By and large, they are moving there from someplace in Metro. They happen to think their children have a right to a school in their neighbourhood. There is not one there now, and none of the boards of education has either the money in hand or the ability to build the schools as quickly as those people want them. They have funny notions that there ought to be a fire department, and there is not. They think there ought to be police protection at a level that does not exist, and will not for some time. They think of social services in a way that is totally different from the way those rural municipalities have ever thought about them.

The expectations of people are there and the financial crunch is there, and this bill provides those regional municipalities, at least, with the opportunity for another source of income. I do not deny for a moment that they need the income. I do not deny for a moment that some variation of the traditional schemes of paying for services ought to be tried, but I am going to be very angry indeed if a municipality or a regional government looks at this bill as a licence to provide another major source of income in addition to paying for the actual services that are provided. That would be my concern with it.

I believe that it is worth the effort to try to put this stuff together in a bill like this. It sometimes means that we have to read the bill rather carefully, because some of them, for example, are not major problems. I do not think we are all upset over whether there is a scale of prices to the parking meters in a particular municipality. Some of us are going to be a little upset, I suppose, that muzzling and putting a leash on a dog has been difficult up until now, and perhaps it has taken only 100 years, but it looks to me like something for which municipalities are responsible has now been put under the Municipal Act. It sounds pretty straightforward to me.

But there are also some sleepers in here. I just thought it was worth while to put them on the record because I think, sooner or later, they may well come back to haunt us.

Mr McCague: It was only a few days ago that the Minister of Housing (Mr Sweeney) walked over and told us that he had a very insignificant bill, a few little amendments to the Municipal Act and related acts and would we please give it speedy passage. I told him I would be glad to assist him, and then he sent in the parliamentary assistant. However, we will try to assist him too in any way we can.

I think there are a couple of sleepers in this bill, as the honourable member for Oshawa has said. It was interesting to note, as the parliamentary assistant read his printed comments on the introduction of this bill, that he slid over the matter of sewer and water by saying, I think, that it allowed more flexibility in the collecting of sewer and water charges. Would the parliamentary assistant check his notes, please, and just see if that is a true interpretation, if not in fact what he said? There is always a possibility that my interpretation would be different, and there is always a possibility that my interpretation just might be right.

I understood that what this bill really allowed was that there could be lot charges which would allow a municipality to recover water and sewer capital works charges. I just wonder if that is not slightly different from the way the parliamentary assistant put it to us in his opening remarks.

Mr Speaker, you will know that we have not long ago talked about and passed a development charges bill, one that the industry, one that some home owners opposed because they see it, in fairness, along with the goods and services tax, as something that may add anywhere from \$10,000 to \$15,000 to even \$25,000 to the cost of their first home. Those are the people who are really worried.

I would hope that the parliamentary assistant would tell us—let's take for instance, and this would happen in very few municipalities, a municipality that does now have a sewage disposal plant with excess capacity, put there under a financing scheme that looked appropriate at the time it was built. Does this now allow it to levy a further lot charge, for instance, to provide for the construction of the next sewage disposal plant, should it need one? I do suggest that is quite different from the way it was slid over in the opening comments.

The second thing that I want to just raise with the parliamentary assistant is the one of special constables. I have not had the opportunity, because this bill has been in less than two weeks, to canvass the municipalities to see what they think about the elimination of the use of special

constables. I can understand that happening in the larger municipalities in the province, but I guess my question really is, are there not—and I believe there are—some municipalities out there that make use of special constables and they are very valuable to the peace and good government of those kinds of municipalities?

1630

In his statement, the member said that this elimination is consistent with policy of the Ministry of the Solicitor General. I just wonder if it is the policy of some of those municipalities, especially the smaller ones. I know that it is hard to get into a dialogue with the parliamentary assistant at this time on those points, but he may be so kind as to refer to them in his summation.

Mr Ballinger: I want to respond to the member for Oshawa (Mr Breaugh) first. When I was first elected in 1973 I had the pleasure of sitting directly beside the member for Oshawa and I want to say to the member for Oshawa, through you, Mr Speaker, that in the past 16 years he has not changed a bit. It is almost impossible to slip anything by the member for Oshawa, so I do not know why he would be the least bit worried.

I want to respond to his concern about the additional powers being granted to a region. What we are doing here is this was an oversight with all of the regional municipality acts throughout Ontario. The Municipal Act does allow for this association to take place between municipalities and counties, but does not recognize regions. What we are doing is bringing into conformity—earlier today we did the same with the district—those other levels of government that have not been recognized under the old Municipal Act. That is why it is an amendment to the Municipal Act.

The member for Simcoe West's question was whether or not this was an additional lot levy that I slipped through, and the answer is no.

Mr McCague: I didn't say it was an additional levy.

Mr Ballinger: I am sorry, but I interpreted that the member for Simcoe West was concerned with whether this was going to be an additional add-on charge when in fact there may already have been a lot levy. One of the problems was that under the current act, current costs—water and sewer costs—can be calculated and added into the rate but capital cannot. The capital cost has traditionally always been debentured. With this amendment, this will allow a municipality to add both the current and the capital costs into their

rate so that it will enable a municipality not necessarily to have to have a debenture to incur new capital expenditures for its sewer or water operations.

Motion agreed to.

Bill ordered for third reading.

MINISTRY OF TRANSPORTATION AND
COMMUNICATIONS CREDITORS
PAYMENT REPEAL ACT, 1989

Mr Miller moved, on behalf of Mr Wrye, second reading of Bill 101, An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act.

Mr Miller: I do have some comments I would like to make. Bill 101, An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act, is now before the House for second reading. The Ministry of Transportation is the only provincial authority which administers contracts under an act other than the Construction Lien Act.

The purpose of Bill 101 is to eliminate the inadequacies of the Ministry of Transportation and Communications Creditors Payment Act and bring the ministry's contract administration into line with other contracts awarded by the province under the terms of the Construction Lien Act. We are repealing this act in order to bring in Bill 102, which will be introduced next.

Mr Charlton: I will make a few very brief comments on Bill 101 and start out by saying that we intend to support the bill. It is our view, having looked at both the Ministry of Transportation and Communications Creditors Payment Act and the Construction Lien Act, that in fact the move is a good move. The Construction Lien Act will provide better protection for those who get involved in the kinds of construction projects that we are talking about currently covered under the Ministry of Transportation and Communications Creditors Payment Act.

The Construction Lien Act has a better range of definitions of those issues around which we want to protect people, like wages, employees and a number of other things that are not even defined in the current legislation. So we agree that it is a good change to bring those things now covered under the Ministry of Transportation and Communications Creditors Payment Act under the Construction Lien Act.

We do, though, have one comment to make to the government, and it is interesting to notice that there is no member of the government here this afternoon while we are dealing with this piece of legislation.

Mr Ballinger: I am here.

Mr Charlton: No, no. The government is the executive council and there does not appear to be anyone from that council here.

Interjection.

Mr Charlton: A minister without portfolio, yes.

At any rate, our question to the presenter today is, if these changes are as important as the government would lead us to believe and as important as we ourselves have concluded they are, why did it take this government two and a half sessions to proceed with legislation there was no opposition to, no controversy around and no need to have committee hearings on when we have to go through so many other contortions around very controversial legislation about whose benefit there is serious question?

Mr McCague: The member for Norfolk (Mr Miller) has brought us a very difficult bill this afternoon. On the question of whether you repeal the old one before you put in place its successor, I am not sure. However, anything that gets one of the many hundreds of bills off our list here at Queen's Park, and therefore less intrusion into the private and daily lives of our citizens, I think is to be commended. Therefore, we will be supporting the bill, as was discussed by the honourable member.

1640

Mr Miller: I appreciate the comments from both the member for Simcoe West (Mr McCague) and the member for Hamilton Mountain (Mr Charlton). We will accept the criticism that it maybe should have been done sooner, but today is the day we are bringing them forward, and we are making good progress. We appreciate that. I thank members for the support.

Motion agreed to.

Bill ordered for third reading.

CONSTRUCTION LIEN AMENDMENT
ACT, 1989

Mr Miller moved, on behalf of Mr Wrye, second reading of Bill 102, An Act to amend the Construction Lien Act, 1983.

Mr Miller: Again, I would like to briefly bring the Legislature information with regard to Bill 102, An Act to amend the Construction Lien Act, 1983. It is now before the House for second reading. This amendment is intended to bring administration of the Ministry of Transportation contracts under the provisions of the Construction Lien Act.

The passage of this bill, in conjunction with repeal of the Ministry of Transportation and Communications Creditors Payment Act, will provide contractors and suppliers with a single, consistent piece of legislation governing ministry contracts and the payment of creditors. I think it should be in the interest of all suppliers and contractors within the province to have this protection under this bill.

Mr Charlton: Very briefly again, on Bill 102, as I said on Bill 101, we support the alteration or the amendment to the Construction Lien Act as a better alternative for those things that were previously covered under the Ministry of Transportation and Communications Creditors Payment Act. We will support the bill. I only wish that the government had proceeded quickly with these pieces of legislation when they were introduced two and a half sessions ago.

Mr McCague: We will be supporting this bill and the member for Norfolk.

Mr Miller: I would like to say we appreciate the support from all parties of the Legislature and will move forward with the bill.

Motion agreed to.

Bill ordered for third reading.

House in committee of the whole.

EMPLOYER HEALTH TAX ACT, 1989

Consideration of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

The Second Deputy Chair: Now we might begin.

Mr Daigeler: Mr Chairman, may I move down to the table and have some of the officials sit with us?

Agreed to.

The Second Deputy Chair: If memory serves me correctly, in committee of the whole House of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act, the member for Mississauga South had been participating in the debate with the movement of a proposed amendment to subsection 2(1) of the bill. My understanding is that she was still participating in the debate.

Mrs Marland: In this amendment that I had moved before we adjourned the proceedings on this bill I was trying to give the government one

final opportunity to make a very practical decision. It seems that the government is bound and determined to impose this employer health tax on the employers in this province. It seems that this imposition on the employers of the province is going to go forward no matter that public opinion and the tide of feeling is against it.

We certainly know that this government, while it chooses not to listen to the people of Ontario on the matter of the employer health tax, also chooses not to listen to a report of one of its own ministries. I refer to a report that was prepared by the Ministry of Industry, Trade and Technology. Obviously, being a ministry of industry, it would be concerned about industry as an employer in the province.

This report was prepared by this government's own ministry staff in 1986. The report stated that payroll tax would be harmful to business, particularly to small business. Here we are and in spite of the ministry's own report, the government is introducing—certainly we are not, but the government is—this Bill 47, which will do the very thing that one of its own ministries had identified as being harmful to business.

I think that I would like to ask the parliamentary assistant, who is taking the legislation through this afternoon in place of the Minister of Revenue (Mr Mancini), whether the Minister of Revenue has considered the 1986 report prepared by the Ministry of Industry, Trade and Technology which warned his government that this payroll tax would be harmful to business, especially small business.

1650

Mr Daigeler: First of all, let me say that I appreciate the presence of the member for Mississauga South. Since she was present at the committee meetings last week, she also did say stay with us last night until midnight and she is here today, I must recognize her interest in this matter and I appreciate that she is following this discussion, hopefully, right to the very end.

With regard to her question, I can certainly assure her that the Treasurer (Mr R. F. Nixon) and the Minister of Revenue have very carefully looked at the studies that have been done by the different ministries and that is precisely why we have introduced special provisions in this legislation that recognize the situation of small business. As the member will know, we have a graduated rate in order to reflect the situation of small business, which is different from that of large business.

We have also introduced quarterly payments rather than monthly payments, which provide,

certainly, help for small businesses in terms of their cash flow. So we certainly recognize that small business is a very important sector in this province and we wish to provide as much assistance as possible.

On the other hand, I think we also recognize that small business depends on a healthy and viable workforce and I think it is only fair that it shares at least to a certain extent in the costs. May I say, as has been pointed out repeatedly, that the employer health tax brings in only 16 per cent of the total health care cost, so I think it is only fair that small business also shares to some extent in the costs of our excellent health care system in this province.

Mrs Marland: In speaking to my amendment I want to say that it is significant that the parliamentary assistant acknowledges that this employer health tax is going to be a very heavy load for the business, industry and employers in all those sectors, not only business and industry but obviously commerce and, as my amendment suggests, municipalities and school boards, hospitals, colleges and universities.

I think the very fact that the government has decided to make the payments quarterly instead of monthly means that the minister acknowledges that it is going to be a very difficult burden for everyone to pay. I should also mention that our Progressive Conservative party did a study and we used as a database the manufacturers listed in the government book called *Made in Ontario*. It is a directory published by the Ministry of Industry, Trade and Technology.

This study was mailed to 3,000, asking them about the impact of the employer health tax. Two thirds of the respondents said that costs would rise with the employer health tax. Our concern is that if a new payroll tax will deter small firms from hiring, then does it not follow that it will be an impairment in job creation? I think it is a very sad day that in Ontario we have a Liberal government that is not interested in job creation and does not realize why we have had the economic growth that we have had because of the direction and leadership given by the former government in concentrating on job creation, especially in the small business area.

In my amendment I have addressed the fact again that if the minister has decided not to exempt anyone from the employer health tax, why would he not exempt those people to whom he transfers money? Having said that those people who depend on transfer payments from the provincial government, namely municipalities, school boards, hospitals, colleges and

universities, if they are going to be paying this employer health tax to give the minister's government money to pay for the health care system in the province, why would he bother going through the bookkeeping bureaucracy of that process?

I would assume, because this amendment makes infinite common sense, that the member is going to be supporting it, because I would not assume for a moment that the member would want to go through double bookkeeping with the juggling of money back and forth between the employer health tax and those bodies that I have just listed, unless what the member is doing is just that, purely a juggling act; unless it really is the shell game with the taxpayers' money in the province that it probably is. And maybe that is what we should do. Maybe we should call it what it is and say, on behalf of the municipalities, hospitals, colleges and school boards that we are not in agreement with taking from one hand and giving to the other, because that is a shell game, that is smoke and mirrors or whatever cliché the member wants to use to describe it.

Ultimately, the people who will be hurt are the people who John Stark, as president, and Lois Gibson, as executive director, have tried to write to this government on behalf of, namely the members of the Mississauga City Board of Trade, and I use that only as an example. They have gone to the trouble to write to question the government's attempt in implementing this employer health tax, and in particular, that board of trade is questioning the government's attempt to collect double revenue from those businesses.

If the representative of the government today will accept this amendment, then it will give him an opportunity to at least save face with one sector that is going to face this penalty, and ultimately, of course, all those sectors are publicly funded. If we are talking about municipalities, we are talking about the property taxpayers in those municipalities. Of course, if we are talking about colleges and universities, we are talking about students, and if we are talking about hospitals and school boards, obviously hospital funding is more and more a responsibility of the public. There again, it is the double irony that this government is collecting money for a health care system, but it is going to penalize the hospital \$60 million.

It simply does not make sense to try to proceed with this bill without this amendment. I think the member would use the opportunity to save face and, as I said the other afternoon when we were discussing this, have some grace in accepting an

amendment that is purely common sense. If he does not, then what he is doing is very bad for all of these groups that are addressed in my amendment. Also, it just compounds the illegitimacy of the double revenue which we have already identified on behalf of the Progressive Conservative Party. We have already identified the fact that this government is double billing the first three months of 1990. Obviously, the irony is that it is okay for the Liberal government to extra-bill but not for the doctors of this province.

So I ask the members to support this amendment and agree, at least with the Progressive Conservatives, that those exemptions do make a great deal of common sense.

Ms Bryden: I would like to support this amendment, even though I really think this bill is not the right answer for replacing the premium revenue or for giving the Treasurer additional revenue which he is asking for in this bill, because it is adding to our regressive tax system. It is adding a brand new tax, with which we have very little experience in the administration or the economic effects. I think the provincial Treasurer should have looked at more progressive forms of taxation rather than this regressive tax, which also hits small business harder than large business and hits labour-intensive industries very hard and does not hit the self-employed. I would like to start off by saying that this is a very bad tax and we should oppose it.

1700

However, at the moment we are looking at an amendment which would improve one section of it, and while this is only a partial help in making the tax more enforceable and more fair, it is worth asking the government to at least consider this. I hope it will consider my overall request that it withdraw the tax and replace it with progressive taxation which would not have the serious economic effects that this proposal would have.

With regard to the business of exempting cities, towns, villages, townships, counties and regional municipalities, school boards, hospitals, colleges or universities, it makes eminent sense, as the member for Mississauga South has said, because it is really double taxing the residents or the users of all those services and institutions.

They have no other source of revenue except their municipal tax sources, so when the province comes along and says, "We want X dollars from you based on the number of employees you have," the province is intruding into a municipal field and taxing people who have no other source

of revenue or very few other sources of revenue beyond property taxes and business taxes.

In the long run, all of those institutions will have to do one of two things. They can cut their services, because they will not have the money after they are required to pay the employer's health levy, or they can increase their mill rate, but they cannot do that instantly. In many cases it is already set for this year. Or they can ask for larger grants from the province to offset this unexpected and ill-thought-out employer's health levy.

The provincial Treasurer first responded to that by saying, "Well, I will give you a grant that will cover the last three months of the fiscal year, because you do not have time to adjust your whole revenue system to pay the tax, even though the tax starts on 1 January." But that was really just an insult to them, because their obligations for the last nine months of 1990 for this tax—and I understand that the Treasurer has promised, in appearing before the standing committee that examined this bill, to look into some further means of helping the municipalities. But he did not make any commitment to increase the grant to all these organizations, institutions and municipalities by the amount the employer's health tax will cost them in calendar year 1990, and that is what they need.

The minister talked about the wonderful transfer of payments that the Treasurer just announced last week for a lot of these institutions, school boards, hospitals, colleges, universities and municipalities. But the usual regular grants and the increases in them are based on anticipated increases in the cost of providing services; they are not based on any consideration of the increase which will result from the employer's tax levy.

For him to say, "Because you are getting an eight per cent increase in universities, you are all looked after," is simply misleading the institutions and letting them think—

The First Deputy Chair: Excuse me, just for a moment. I wonder if you could find another choice of words than the ones you just have used. "Misleading" is unparliamentary.

Ms Bryden: I am sorry, Mr Chairman. I will just say that the organizations do not understand that the grants cover anything more than the regular transfer payments grants have covered in the past. Therefore, they are facing the situation, unless this amendment is passed, where they will have to try to find money from some other source, which will be the municipal taxpayers in most cases, and those municipal taxpayers can

expect either cuts in services or future mill rate increases.

I want to point out that this is coming at the same time as the province is already asking the municipalities to take on a lot more services and responsibilities than they have in the past. The minister is not only asking them to take on providing the security services for their courts and some of their other correctional institutions, but he is asking them to provide money for additional educational programs, for training programs, for all sorts of welfare programs and for child care.

In all those fields the municipal organizations are being asked to take on more and more responsibilities which could be and should be the responsibilities of the province of Ontario, because the province has the tax sources to look after those fields which are largely affecting people rather than services in municipalities and which are very badly underfunded.

I include the school boards which do affect people and affect thousands of children, but are being underfunded in relation to their growing needs. So I would urge the members to take a good look at this amendment and say that it is counterproductive to tax those bodies because the government is simply going to have to help them in some way or another to raise the money, and it has not done that yet.

Mr Daigeler: Just very briefly, because I do not find it overly productive to go over the same question again and again and I know that the chairman agrees with my point of view on this matter, I simply want to say, very briefly, that the more exemptions generally in a tax, the more costly the tax collection becomes and therefore the more burden on the general taxpayers.

Second, as I indicated earlier, in order to be fair to all of the people in the province, I think all of the employers benefit from our excellent health care system and I think there is an obligation on what is called the MUSH factor, the municipalities, universities, school boards and hospitals, also to contribute their share to the costs.

Finally, as was indicated in fact by members opposite, the Treasurer has recognized and I am sure, with his usual generosity, will continue to recognize, some of the costs in his transfer payments and I am fully confident that this will continue.

The First Deputy Chair: Thank you. Are we ready for the question?

Mrs Marland has moved that subsection 2(1) of the bill be amended by inserting after the word

"employer" and before the word "shall" the words:

"except an employer who is a city, town, village, township or county within the meaning of and for the purposes of the Municipal Act [RSO 1980, chapter 302], a regional municipality, or a school board, hospital, college or university who shall be exempt from tax under this act."

Is it the pleasure of the House that the motion carry?

All those in favour please say "aye."

All those opposed please say "nay."

In my opinion the nays have it.

Motion negatived.

1710

The First Deputy Chair: Mrs Marland moves that the bill be amended by deleting subsection 2(2) and substituting the following therefor:

"(2) The amount of the tax payable by the employer is an amount equal to the product of the total Ontario remuneration paid during the year less \$400,000 multiplied by 1.95 per cent."

I am afraid that is in contravention of standing order 54 and is out of order. Do you have another motion?

Mrs Marland: Yes, I do have another motion. Just before I move it, I want to say that the reason for the motion I am about to move is that a coalition of small business headed by the Canadian Organization of Small Business and including the Ontario Restaurant Association, the Retail Merchants Association and the Canadian Tire Dealers Association has lobbied for an exemption for all payrolls under \$200,000 per year.

The coalition argues that such an exemption would make the employer health tax revenue-neutral and would reduce government and business administration costs by 85 per cent. Therefore, having the exemption for employers with annual payrolls of less than \$200,000 would obviously make a great deal of economic sense and this amendment would be of very significant benefit to microfirms and small businesses.

There have been examples made by the Minister of Revenue as to what takes place in other provinces. I think it is important to tell the minister that, since he used examples of other provinces, I want to use an example in placing this amendment. The province of Manitoba in fact has a very generous exemption, which is actually \$600,000. So they take in a lot of small to medium businesses.

I will move this amendment and certainly hope that the Liberal government will support it. I move that subsection 2(2) of the bill be deleted and the following substituted therefor:

“(2) The amount of the tax payable by the employer is an amount equal to the product of the total Ontario remuneration paid during the year less \$400,000 multiplied by 1.95 per cent.”

The First Deputy Chair: Mrs Marland moves that the bill be amended by deleting subsection 2(2) and the following substituted therefor:

“(2) The amount of the tax payable by the employer for the year is an amount equal to the product of the total Ontario remuneration paid multiplied by 1.95 per cent.”

I am going to have to rule that that too is in contravention of standing order 54. It is out of order.

Mrs Marland: May I ask you to tell me what that standing order says?

The First Deputy Chair: Standing order 54 makes it clear that only a minister of the crown can move any motion which requires a taxation measure or which calls for the spending of money.

Do you have any further amendments?

Mrs Marland: Yes, I do have, and in moving this next amendment on behalf of the Progressive Conservative caucus in this Legislature, I am still trying to protect small business. I think everyone in this Legislature understands very clearly that small business is the largest employer, the largest creator of jobs and employment in this province.

This employer health tax is going to be such a penalty and burden for them as employers that it will ultimately affect the jobs and the creation of new jobs in the province. In fact, the Minister of Industry, Trade and Technology (Mr Kwinter) said this afternoon that the dire consequences have not yet happened and he talked about the strongest selling point to attract industry to Ontario.

There will not be a very strong selling point to attract industry to Ontario, and I would hope that both the Minister of Industry, Trade and Technology and the Minister of Revenue would be very concerned about that because with this kind of imposition on everybody's payroll, it is going to be very much a deterrent to attracting business.

Mrs Marland: I move that subsection 2(2) of the bill be deleted and the following substituted therefor:

“(2) The amount of tax payable by the employer for the year is an amount equal to the

product of the total Ontario remuneration paid multiplied by 1.95 per cent.”

The First Deputy Chair: The chair has a problem. I do not have a copy of that amendment. It is similar in nature to the amendments that you have just proposed and I suggest it is going to meet the same fate, but I would like to have a copy of it.

Mrs Marland: I would be happy to give you a copy. I am sorry it was not with the original copies that were sent.

The First Deputy Chair: Perhaps the member for Mississauga South could assist me. This looks very much like an amendment that I have just ruled out of order. Perhaps you could point out the differences to me.

Mrs Marland: Yes, I will. The other two amendments included the amount of \$400,000 and then \$200,000. This does not give the global total figure.

The First Deputy Chair: I just dealt with the motion, and I will read it for the assistance of the House. You had moved that subsection 2(2) of the bill be deleted and the following substituted therefor:

“The amount of tax payable by the employer for the year is an amount equal to the product of the total Ontario remuneration paid multiplied by 1.95 per cent.”

Unless I am missing something, that is exactly the same motion that I just ruled out of order, and it is out of order still.

Mrs Marland: I accept the ruling of the chair.

The First Deputy Chair: Now I have an indication that you do have an amendment to clause 2(2)(a). Would you care to put that one before us?

Mrs Marland: Yes, I do have an amendment to clause 2(2)(a) of the bill and, again, obviously we are attempting to protect the public, both employers and employees, who will be affected by this employer health tax. I guess what I might as well do before I move this is tear up all the amendments which are not acceptable and also which the government would not accept in terms of trying to protect the public.

No matter what various organizations say to this government, this government chooses not to listen. It obviously is bent, bound and determined to have whatever kind of taxation it wants and the employer health tax, I would suggest, is the same kind of imposition of tax that is impractical, unjust and totally unfair.

The First Deputy Chair: Mrs Marland moves that clause 2(2)(a) be struck out.

For the information of members, this is one that might be considered a little marginal, but in the interest of proceeding with the debate, I think I would rather have the House rule this out of order by voting against it, rather than have the chair do it.

1720

Members should also know that if there is any question in their minds about whether a motion would be in order, the people who serve at the table are always very happy to provide them with an opinion on whether something might be in order or not. So you should not feel that you have to come in here and gamble. You always have the right to put it, but if you are in doubt as to what would be in order or not, the table officers would be happy to assist you.

Any debate on the amendment proposed by Mrs Marland? There being none, I take it we are ready for the question.

All those in favour of Mrs Marland's amendment will please say "aye."

All those who are opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

The First Deputy Chair: I believe Mrs Marland had indicated an amendment to subsection 2(5)?

Mrs Marland: Yes, I do. That is another amendment.

It is too bad we have so many trees being wasted this afternoon with the paper that is just floating right past the government. They are not interested at all in small business or the future of the economy of this province.

I do have an amendment to subsection 2(5). It is my understanding that the government will be introducing an amendment to delete subsection 2(5) as part of its effort to deal with the problem of the double-dipping in December.

When we talk about double-dipping here, we are talking about a very, very critical issue. We are talking about the fact that people in this province, through their OHIP premiums, the benefit packages with their employers, or whatever their way of paying for health insurance has been, those people have paid for December. It also happens that they have paid for January, February and March. This government is going to be, I understand, conceding, at least on one month. The Progressive Conservative amendment would also delete the offending subsection and replace it with provisions which speak to the concern that the employer health tax will very

quickly become a new cash cow to be milked at the government's convenience.

To deal with this concern, the amendment would freeze the rates established in section 2 of the bill for a three-year period and then submit the bill and the tax to a mandatory review two years after the tax rates established by the bill have come into force. The amendment, which would set up a quasi-sunset-review mechanism, is consistent with the Progressive Conservative Party's position calling for the expanded use of sunset provisions.

I am hoping that in moving this amendment I will finally have the support of the government, if the government is going to move an amendment of its own to address the concern of the double taxation in December of the people of this province and since the government members—namely, in one case, the parliamentary assistant to the Treasurer, the member for Middlesex (Mr Reycraft), and a staff member of the Treasury—in answer to my questions in committee, have admitted that for the first three months of 1990 they will have OHIP premiums prepaid to the amount of \$435 million and they will also have an income from the employer health tax of over \$500 million, just for those first three months. That is the double-dipping that is going to take place in January, February and March. What we are saying is, "Delete it." Apparently the government is going to delete it for December. Why do they not acknowledge it and delete it for those first three months too?

The First Deputy Chair: Mrs Marland moves that subsection 2(5) of the bill be struck out and the following substituted therefor:

"2(5)(a) The rates of tax established by this section shall not be increased for a period of three years following the day on which the act receives royal assent.

"(b) After the rates of tax established by this act have been in force for a two-year period, the tax established by this act shall be referred to a standing committee of the Legislative Assembly.

"(c) The standing committee shall review the impacts of the tax established by this act on employers and employees, on job creation in the province and on municipalities, school boards, colleges, and universities and on the financing of the Ontario health care system.

"(d) The standing committee shall report its findings to the Legislative Assembly and shall make a recommendation as to whether this act should be continued unchanged, be amended or be repealed."

I have a little problem with this. There is no subsection 2(5). If you will notice, in the bill as reprinted subsection 2(5) has been removed. What I could do that would assist you is suggest that you simply move that a subsection 2(5) be added. If you did that, it could stand. That is what you could do.

Mrs Marland: Thank you, Mr Chairman.

The First Deputy Chair: If you simply strike some words for me and suggest that subsection 2(5) be added, then the remainder will be all right.

Mrs Marland: I move that subsection 2(5) of the bill be added in the following form.

The First Deputy Chair: That is fine. Okay, are we clear on the amendment that is now before us? If you have a printed copy, we simply deleted some words at the beginning, but the substance of the amendment remains identical, and that is that you would add subsection 2(5). Is there any comment on the amendment?

Ms Bryden: I certainly think that this is a thoughtful amendment which would at least give the opportunity for the government to slow down and study the impact of this tax over a three-year period and have a standing committee of the Legislature report on findings of a review of the tax and its impacts over the next three years. But I am very worried about what will happen in those three years while we are waiting for the study. I am afraid that the tax will be so entrenched and many people will have adjusted their lives and their business activities in order to allow for this tax.

Many businesses may have gone out of business, such as many small businesses that cannot absorb this large increase in their costs. Many people who have different arrangements for operating their business, as between the owner and themselves as lessees, and their share of the employers tax may have also seriously affected their business operations. So I think it would not be a good idea to allow the tax to go in for a period of three years, even if it were frozen, and then try to unscramble the omelette after study by the Legislature.

I submit that the Legislature has had ample time to study this proposal. At least we did have substantial public hearings on it, although the number of days—I think it was about five—was so short that the number of people who wanted to appear had to be cut to 15 minutes each. But many came and many expressed what was wrong with this employer health levy. They were not just businessmen, although they are badly

affected because they are employers. It was also municipal ratepayers' organizations that knew the effect was going to be passed on to them, the effect particularly on the municipalities and public institutions. The people who appeared to tell us what was wrong with it were people who arrange payroll deduction systems, and they knew it was going to be very disrupting to the present payroll deduction systems.

1730

The government really has not studied how to improve the tax collection process. It is all so new to them for one thing. But why go to all the trouble of putting us through the ropes of having an employer's health levy when there are other sources of revenue that the government has ignored? That is what our main objection to it is and therefore why we are not supporting a review.

I think the third party would also recognize that once you have the tax in place, it will be very difficult to adjust it. It will be very difficult to work out exemptions for those who really need exemptions, and we heard from a great many people at that standing committee. We have had the legislative committee review and it came out very badly for the government. I think the government should recognize that it should withdraw the tax because of what came out in that standing committee. I sat through, I think, 90 per cent of the hearings.

We know it is a very badly flawed tax and we know that it is going to have a very serious economic effect in the near future on many businesses. We know that it is going to have a very serious effect on small businesses and that it is going to be discriminatory against companies which are labour-intensive. For all those reasons, I am really shocked that the government is considering a brand-new tax which is regressive, discriminatory and likely to cause or contribute to causing an economic slowdown for the next two or three years in this province.

This is certainly the wrong time to be adding to the costs of small businesses and large businesses. It is also the wrong time to be letting the people who are really making millions of dollars in profits, and are not going to be covered by this tax—I mean the self-employed, the lawyers and the doctors and the people with large professional fees—pay nothing under this tax.

This, I think, is showing that we are not calling for a fair tax to replace the health premiums. We certainly approve of replacing the health premiums, because they have gotten into an awful mess under the previous governments and they

were regressive and unfair. We are glad they have accepted the New Democrats' policy of removing health premiums, but we really disagree with the substitute that they have provided us with—an untried, unknown regressive new tax—and it will not touch really the people who pay progressive income taxes.

There is no increase in the corporation tax provided for in this. As I say, there is no increase in the taxes paid by the self-employed, except the Treasurer (Mr R. F. Nixon) did say he was putting a one percentage point surtax on this year on top of the two per cent in the last two years, but that is going to be paid by all of us whether we are self-employed or not. That is not really a special tax to cover the self-employed, shall we say.

But the worst feature of this tax also is that it is not earmarked for anything. The provincial Treasurer will still take it into his consolidated revenue fund and use it for whatever purpose he thinks fit. It may not go to health care, it may not go to helping the municipalities cover their share if they are going to be left under it. It may just go at the whim of the provincial Treasurer in his budget and then the appropriations that are voted in the Legislature, which he recommends in his budget.

I think we are buying a pig in a poke if we buy this tax as an answer to our health problems or to any other problems like the homeless and the need for more municipal services. We are not getting any guarantee and it is not good taxation. So I would not vote for the amendment.

Mr Daigeler: I would simply like to say to the mover of this particular amendment that the government is always happy to review any of its own initiatives. That is in fact what we have the various standing committees of the House for and that is in fact why, under the standing orders, the opposition has now an opportunity to raise any kind of questions that it would like and have them discussed by any standing committee for 12 hours. So there is ample opportunity for the opposition to raise any kind of questions that it wishes to raise. I look forward to having them bring this matter up in due course, and we will see whether the impact of this particular initiative is as drastic as the member is portraying it or whether, in fact, we will see a continued viable and sound support of our health care finances in the province.

So, in view of what already exists, I see no need at all to include this in the bill.

The First Deputy Chair: Are we ready for the question?

Mrs Marland: Excuse me, Mr Chairman. I hear very clearly the comments of the parliamentary assistant to the minister, but with respect, he is only addressing item (c) of my amendment. He ignored items (a) and (b).

I think, certainly, he is quite right; there can be a vehicle to review a matter for 12 hours on the wish of the opposition parties, but the important item here that he did not speak to is that this rate not be increased, that the rate of tax to pay for health care in the province not be increased for three years. Obviously, if the government does not support this amendment that the rate not be increased, the argument that I gave a few moments ago, that what the government is looking for is a cash cow to be milked at any time it needs some more money for its consolidated revenue fund, or to be dropping its little pennies around the province looking after everybody, maybe especially just prior to an election, those opportunities are going to be there.

If that is not what it wants the money for, then I would suggest it support the amendment which agrees to at least freezing the rate for three years, because I have no idea how businesses, public institutions and bodies which the government has now chosen not to exempt, municipalities and school boards, hospitals, colleges and universities, are going to budget for this health tax if they have no idea whether it is going to be two per cent this year, four per cent next year or whatever. If the government cannot agree, by supporting my amendment, that there would not be an increase for a period of three years, then I guess it must be saying to the public that it is going to be a flexible measure for collecting more money when it wishes.

The First Deputy Chair: Thank you. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, will please say "nay."

Motion negatived.

Section 2 agreed to.

The First Deputy Chair: I have an indication from the government that it has an amendment which it wishes to put to subsections 3(1) and 3(2). It is a matter of taxation and revenue and I am going to require a minister of the crown to move the motion. I believe that arrangements have been made to have that happen.

Hon Mr Ward moves that subsections 3(1) and (2) of the bill be struck out and the following substituted therefor:

"(1) Every employer shall pay monthly instalments to the Treasurer at the prescribed time or

times on account of the tax payable for the year under this act by the employer.

"(2) Despite subsection (1), a small employer for the year shall pay quarterly instalments to the Treasurer at the prescribed time or times on account of the tax payable for the year under this act by the small employer."

Does the government have any introductory remarks on the amendment?

1740

Mr Daigeler: This is a technical drafting change, which is consequential on the addition by the amendment of subsections 3(5) to (7).

The First Deputy Chair: Further comments on the amendment? The member for Beaches-Woodbine.

Ms Bryden: We appreciate the government's being more specific about who shall pay quarterly and who shall pay monthly, but really, it does not spell out the exact dates of the remittances. It leaves it to prescription under the regulations by the government, so it is part of my objection to doing everything by regulation and by prescription. The government will simply say, "You must pay the tax on 15 January or 15 February," and that is it.

There is really no opportunity for anybody to appeal that, but in this House we can suggest that perhaps it should not be as early as 15 January, in order to give people time to get used to the idea, and there will be many, many people who will not have been fully informed.

Meetings with the public will not have occurred by 15 January, if that is to be the month that will be prescribed; the same with the people who are on the quarterly remittance. They are the little people, the thousands of small people who are allowed to remit quarterly but who need a great deal of education. They will be people like those who pay the retail sales tax funds into the government and they find great difficulty in being informed on what their obligations are, how they prepare their form and what is covered and what is not.

You simply need a great deal of time and a great deal of education for those people, and I am very worried that the educational process is not broad enough. There will not be enough languages covered in the brochures and there will not be enough personal contact that people who do not understand the tax can make. I would have hoped that this clause would be more specific about customer service or taxpayer service, and a clarification through bills and educational meetings and that sort of thing.

Mr Villeneuve: I also find it, to some degree, annoying a bit that it will be monthly instalments to the Treasurer at prescribed times. It does not say here whether these prescribed times will jibe with, for instance, the monthly payments that employers have to send to the Unemployment Insurance Commission, Canada pension, etc. Will the government try to make it one and the same, or will this be a totally new set of bureaucratic conditions?

As members know, as governments get bigger and impose more of these requirements particularly on small businesses, ie, the agricultural community and related fields, small business in rural Ontario, it is creating a monster out there. We are not talking sales tax and what have you, because those are businesses that, to some degree, have it set up, but this is a monthly instalment at the whim of the Ministry of Revenue to be sent to the Treasurer.

I would certainly like to see a little more structure to this so that an employer would not have a date to meet his UIC, CPP and other commitments and then have a separate date, the middle of the month or whatever, to look after the particular health tax commitment. Who knows what will follow? I would like to see some structure here that would jibe into what existing payment schedules to governments would be.

The First Deputy Chair: Any further debate on the amendment? Are we ready for the question?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

The First Deputy Chair: I believe we have some further amendments.

Mr Daigeler: Yes, Mr Chairman. I have an amendment to subsections 3(5), (6) and (7), and I think this particular amendment should satisfy, to a certain extent at least, the member for Stormont, Dundas and Glengarry.

The First Deputy Chair: Mr Daigeler moves that section 3 of the bill be amended by adding thereto the following subsections:

"(5) Any amount required by this act to be remitted to the minister or paid to the Treasurer is remitted or paid upon,

"(a) receipt of the remittance or payment by the Ministry of Revenue;

"(b) receipt and acceptance of the remittance or payment by a branch of a bank or other financial institution that accepts and undertakes

to forward to the minister such remittances and payments.

"(6) For the purposes of this section, the prescribed time at which an employer shall pay instalments to the Treasurer on account of the tax payable by the employer under this act for 1990 is,

"(a) the 15th day of each month in 1990 if the employer is required to make monthly instalments on account of the tax payable for 1990; and

"(b) the 15th days of April, July and October, 1990, and the 15th day of January, 1991, if the employer is a small employer for 1990.

"(7) Despite subsection (3), in applying the formula contained in that subsection to determine the amount of the monthly instalment that may be payable by an employer on January 15, 1990, 'T' may be read as the total Ontario remuneration paid by the employer during December, 1989 or the total Ontario remuneration that has been or will be paid by the employer during January, 1990."

Comments on the amendment?

Mr Daigeler: Very briefly. This particular amendment provides the opportunity for tax banking. It provides that instalments for large employers to be monthly and for small employers quarterly, plus it permits large employers the option of basing their January tax payment on the December payroll or on the January 1990 payroll.

Ms Bryden: This does set definitely 15 January 1990 for the first employer contribution. As I said in my last comments, it is much too early for employers who will not have learned very much about the tax and how it works and the coverage, and who may be asking questions during that whole month in order to find out exactly what their liability is.

I know there is a settling up at the end of the following fiscal year, but I think the government should have forgone that early influx of cash. It will get it ultimately anyway and it should have let the employers have another month, to 15 February anyway, before they had to remit.

I also notice that this really is partly to facilitate the elimination of subsection 2(5), which was done by the government when this bill was in committee, in order to stop the hue and cry which was coming from many employers about their having to make a December payment, or a payment on account of December. Very cleverly, the government got around that hue and cry by just removing all references to December and saying the tax and its application starts 1 January 1990.

I think most people agreed that when you are withdrawing premiums on 1 January 1990, you should not start your tax before you have actually withdrawn premiums because you are not having to replace premium incomes before that date.

1750

I will say also, of course, that it does bring up the other item that we have been talking about, and that is that there is still a requirement in the act that OHIP premiums paid in December by people who were billed prior to 31 December will still pay for medical care costs, to the extent of people who are covered by OHIP, into the first three months of 1990. Opposition members have told the minister this is an immoral act, to charge the people for the first three months of 1990 when premiums are clearly abolished as of 1 January 1990 in the act. I think that we simply cannot let the government get away without a commitment to remove that unfair and immoral demand on many, many people of very low income. A lot of the people who pay in December on the three-month instalment are people of low income, single parents, people who are self-employed but have low incomes, and also many employers who pay on behalf of their employees. They are all being milked for an extra three months of OHIP premiums.

No matter what the government says, it simply cannot deny that is what it is doing. I will say that I am bringing in amendments, in sections 40 and 41, to try to prevent that from happening. I hope when we get to them I will be given an opportunity to deal with them as a pair, because they are a pair, and to show that they are a possible remedy to this unfair taking of premiums from people who should not have a responsibility for any OHIP care or premiums after 1 January 1990. I fail to see how the government cannot see that point, that it is on very shifty ground when it says that it has always collected them three months in advance.

Let me just read to members the statement that the Minister of Health (Mrs Caplan) is sending out to these premium payers. She is really demanding that they do pay for those extra three months. No matter how the government says it is not demanding it, it is, and I think it is an unfair collection that should be returned to any who have paid. The Minister of Health says:

"As announced in the 1989 Ontario budget, OHIP premium payments will be eliminated effective January 1, 1990. This means that after you pay the amount indicated on the enclosed notice, you will not be billed again for OHIP premiums. As always, premiums are payable

three months in advance. After March 31, 1990, as long as you remain a resident of Ontario, your coverage will be valid without further payments."

In that letter she has admitted that the people are paying three months' premiums that they should not be paying, but she is relying on some tradition that they always were billed three months ahead. She then goes on to say, "You are still covered by OHIP whether or not you are a premium payer."

Also, in the paper just the other day there was a headline saying "OHIP Premiums Owed Till April, Caplan Admits," and she did reiterate what had really been said by her in that letter. So on the question of whether people should pay or not and whether they would lose their coverage, there has been a lot of discussion about that, but two of her officials also were quoted on that same day as saying that they were expecting the December payments for premiums to be sent in and there was no suggestion that they should not be required to send them in.

Again, I think the government is on very slippery ground. It is going to be collecting, I understand, \$425 million extra in January, after premiums are abolished, from premium payers. I think that is just immoral. I warn the government that I will be introducing an amendment under sections 40 and 41 on that subject.

On motion by Mr Ward, the committee of the whole House reported progress.

His Honour the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT

SANCTION ROYALE

Hon Mr Alexander: Pray be seated.

The Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Clerk Assistant and Clerk of Journals: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 49, An Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards;

Projet de loi 49, Loi prévoyant l'accès à l'information et la protection de la vie privée dans les municipalités et les conseils locaux;

Bill 52, An Act to amend certain Statutes of Ontario Consequent upon Enactment of the Municipal Freedom of Information and Protection of Privacy Act, 1989;

Bill 64, An Act to amend the Education Act and certain other Acts related to Education Assessment;

Bill 65, An Act to amend the Ottawa-Carleton French-Language School Board Act, 1988;

Projet de loi 65, Loi portant modification de la Loi de 1988 sur le Conseil scolaire de langue française d'Ottawa-Carleton;

Bill 69, An Act to amend the Courts of Justice Act, 1984;

Bill 70, An Act to amend the Evidence Act;

Bill 79, An Act to amend Various Statutes in connection with information to be filed and records to be kept by Corporations and Limited Partnerships;

Bill 81, An Act to amend the Courts of Justice Act, 1984;

Bill 84, An Act to amend the Freedom of Information and Protection of Privacy Act, 1987 and certain other Acts in respect of Confidentiality Provisions;

Bill 92, An Act to amend Fines and Terms of Imprisonment contained in certain Acts;

Bill Pr37, An Act respecting Fort Erie Lions Senior Citizens Complex Inc;

Bill Pr45, An Act respecting Ontario Mid-western Railway Company Limited;

Bill Pr46, An Act to revive Ontario Mortgage Brokers Association;

Bill Pr52, An Act to revive Homes Unlimited (London) Inc;

Bill Pr54, An Act respecting The Brantford and Southern Railway Company Inc;

Bill Pr56, An Act to revive Times Change Women's Employment Service Inc.

Clerk of the House: In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these bills.

Au nom de Sa Majesté, Son Honneur le lieutenant-gouverneur sanctionne ces projets de loi.

His Honour the Lieutenant Governor was pleased to retire from the chamber.

BUSINESS OF THE HOUSE

Hon Mr Ward: Pursuant to standing order 53, next week's business is as follows:

Following routine proceedings on Monday 18 December we will have the deferred vote on third

reading of Bill 36, followed by royal assent and then any unfinished business from the previous week; second reading of Bills 74, 75, 63 and 62; committee of the whole House on Bills 62, 86, 95 and 47; second reading of Bills 60, 94 and 91; committee of the whole on Bill 91. Any divisions on that day are expected to take place at 5:45.

Between the hours of eight and midnight, we will continue with any unfinished business of the day.

On Tuesday 19 December, we will deal with any previously unfinished business and third reading of Bills 86, 95, 119, 34, 15, 62, 63, 74, 75, 90, 101, 102, 91, 94, 46, 47, 48 and 60; following that, an estimates concurrence debate.

We will have a night sitting to complete any previously unfinished business between the hours of eight and midnight.

On Wednesday 20 December—I will be bringing in a motion on Monday—we expect that we may have a morning sitting between the hours of 10 and 12. In the afternoon, we will deal with any previously unfinished business, any remaining third readings, including Bill 66, concluding the budget debate and a supply bill.

On Thursday 21 December, we will deal with any unfinished business, if necessary.

The House adjourned at 1803.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- | | |
|--|---|
| Adams, Peter (Peterborough L) | Epp, Herbert A. (Waterloo North L) |
| Allen, Richard (Hamilton West NDP) | Eves, Ernie L. (Parry Sound PC) |
| Ballinger, William G. (Durham-York L) | Farnan, Michael (Cambridge NDP) |
| Beer, Hon Charles , Minister of Community and Social Services (York North L) | Faubert, Frank (Scarborough-Ellesmere L) |
| Black, Hon Kenneth H. , Minister of Tourism and Recreation (Muskoka-Georgian Bay L) | Fawcett, Joan M. (Northumberland L) |
| Bossy, Maurice L. (Chatham-Kent L) | Ferraro, Rick E. (Guelph L) |
| Bradley, Hon James J. , Minister of the Environment (St Catharines L) | Fleet, David (High Park-Swansea L) |
| Brandt, Andrew S. (Sarnia PC) | Fontaine, Hon René , Minister of Northern Development (Cochrane North L) |
| Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP) | Fulton, Ed (Scarborough East L) |
| Brown, Michael A. (Algoma-Manitoulin L) | Furlong, Allan W. (Durham Centre L) |
| Bryden, Marion (Beaches-Woodbine NDP) | Grandmaitre, Bernard C. (Ottawa East L) |
| Callahan, Robert V. (Brampton South L) | Grier, Ruth A. (Etobicoke-Lakeshore NDP) |
| Campbell, Sterling (Sudbury L) | Haggerty, Ray (Niagara South L) |
| Caplan, Hon Elinor , Minister of Health (Oriole L) | Hampton, Howard (Rainy River NDP) |
| Carrothers, Douglas A. (Oakville South L) | Harris, Michael D. (Nipissing PC) |
| Charlton, Brian A. (Hamilton Mountain NDP) | Hart, Hon Christine E. , Minister of Culture and Communications (York East L) |
| Chiarelli, Robert (Ottawa West L) | Henderson, D. James (Etobicoke-Humber L) |
| Cleary, John C. (Cornwall L) | Hošek, Chaviva (Oakwood L) |
| Collins, Hon Shirley , Minister without Portfolio (Wentworth East L) | Jackson, Cameron (Burlington South PC) |
| Conway, Hon Sean G. , Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L) | Johnson, Jack (Wellington PC) |
| Cooke, David R. (Kitchener L) | Johnston, Richard F. (Scarborough West NDP) |
| Cooke, David S. (Windsor-Riverside NDP) | Kanter, Ron (St Andrew-St Patrick L) |
| Cordiano, Joseph (Lawrence L) | Kerrio, Vincent G. (Niagara Falls L) |
| Cousens, W. Donald (Markham PC) | Keyes, Kenneth A. (Kingston and The Islands L) |
| Cunningham, Dianne E. (London North PC) | Kormos, Peter (Welland-Thorold NDP) |
| Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC) | Kozyra, Taras B. (Port Arthur L) |
| Curling, Alvin (Scarborough North L) | Kwinter, Hon Monte , Minister of Industry, Trade and Technology (Wilson Heights L) |
| Daigeler, Hans (Nepean L) | Laughren, Floyd (Nickel Belt NDP) |
| Dietsch, Michael M. (St Catharines-Brock L) | LeBourdais, Linda (Etobicoke West L) |
| Eakins, John F. (Victoria-Haliburton L) | Leone, Laureano (Downsview L) |
| Edighoffer, Hon Hugh A. , Speaker (Perth L) | Lipsett, Ron (Grey L) |
| Elliot, R. Walter (Halton North L) | Lupusella, Tony (Dovercourt L) |
| Elston, Hon Murray J. , Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L) | MacDonald, Keith (Prince Edward-Lennox L) |
| | Mackenzie, Bob (Hamilton East NDP) |
| | Mahoney, Steven W. (Mississauga West L) |
| | Mancini, Hon Remo , Minister of Revenue (Essex South L) |
| | Marland, Margaret (Mississauga South PC) |
| | Martel, Shelley (Sudbury East NDP) |
| | Matrundola, Gino (Willowdale L) |
| | McCague, George R. (Simcoe West PC) |
| | McClelland, Carman (Brampton North L) |
| | McGuigan, James F. (Essex-Kent L) |
| | McGuinty, Dalton J. (Ottawa South L) |
| | McLean, Allan K. (Simcoe East PC) |

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Thursday 14 December 1989

Private members' public business		Responses	
Prosthetic hair replacements, resolution 33	4833	Self-government for native people ...	4856
Mr Pollock	4833	Mr B. Rae	
Mr Grandmaître	4834	Mr Eves	
Mr Cousens	4836		
Miss Nicholas	4837		
Mr J. M. Johnson	4839		
Mr Elliot	4840		
Mr Mahoney	4840		
Mr Allen	4841		
Agreed to	4851		
Intervenor Funding Project Amendment Act, 1988, Bill 85	4842		
Mr Chiarelli	4842		
Mr Charlton	4843		
Mr Cousens	4845		
Mr J. B. Nixon	4848		
Second reading agreed to	4851		
Members' statements		Oral questions	
Transfer payments to municipalities .	4852	Self-government for native people ...	4858
Mr Laughren		Mr B. Rae	
Toronto area transportation	4852	Mr Scott	
Mr Cousens		Teachers' superannuation	4859
Federated Women's Institutes of Ontario	4852	Mr B. Rae	
Mr McGuigan		Mr Conway	
Ontario Centre for Resource Machinery Technology	4853	Employer health levy	4860
Miss Martel		Mr Brandt	
Assistance to farmers	4853	Mr Kwinter	
Mr Villeneuve		Teachers' superannuation	4861
Hazardous Waste Day	4853	Mr Jackson	
Mr Adams		Mr R. F. Nixon	
Proposed hospital merger	4854	Goods and services tax	4863
Mr Reville		Mr B. Rae	
Gasoline prices	4854	Mr Peterson	
Mr McLean		Government announcement	4863
Passenger rail services	4854	Mr Brandt	
Mr Tatham		Mr Mancini	
Statement by the ministry		Capital funding for schools	4864
Self-government for native people ...	4855	Mr Adams	
Mr Scott		Mr Conway	
		Assisted housing	4864
		Mr D. S. Cooke	
		Mr Sweeney	
		Assistance for the disabled	4865
		Mrs Marland	
		Ms Collins	
		Access to professions and trades	4865
		Mr Fleet	
		Mr Wong	
		Ortech International	4866
		Mr Kormos	
		Mr Kwinter	
		Coroner's inquest	4867
		Mr Sterling	
		Mr Offer	
		Alcohol and drug abuse	4867
		Mr Ruprecht	
		Mrs Caplan	

Workers' compensation	4868	Third readings	
Miss Martel		Fort Erie Lions Senior Citizens Com-	
Mr Pllips		plex Inc Act, 1989, Bill Pr37	4871
Annual report	4868	Mr Haggerty	
Mrs Marland		Agreed to	4871
Mr Bradley		Ontario Midwestern Railway Com-	
Education financing	4869	pany Limited Act, 1989, Bill Pr45 .	4871
Mr R. F. Johnston		Mr Lipsett	
Mr Conway		Agreed to	4871
Motions		Ontario Mortgage Brokers Association	
Committee substitution	4870	Act, 1989, Bill Pr46	4871
Mr Ward		Mr M. C. Ray	
Agreed to	4870	Agreed to	4871
Committee sittings	4870	Homes Unlimited (London) Inc Act,	
Mr Ward		1989, Bill Pr52	4871
Agreed to	4870	Mrs E. J. Smith	
Petitions		Agreed to	4871
French-language services	4870	Brantford and Southern Railway	
Mrs E. J. Smith		Company Inc Act, 1989, Bill Pr54 .	4871
Mr Velshi		Mr Neumann	
Mr Sterling		Agreed to	4871
First reading		Times Change Women's Employment	
Ministry of the Environment Amend-		Service Inc Act, 1989, Bill Pr56 . . .	4871
ment Act, 1989, Bill 98	4870	Ms Poole	
Mrs Marland		Agreed to	4871
Agreed to	4871	Municipal Freedom of Information	
Second readings		and Protection of Privacy Act, 1989,	
Fort Erie Lions Senior Citizens Com-		Bill 49	4871
plex Inc Act, 1989, Bill Pr37	4871	Mr Elston	
Mr Haggerty		Agreed to	4871
Agreed to	4871	Municipal Freedom of Information	
Ontario Midwestern Railway Com-		Statute Law Amendment Act, 1989,	
pany Limited Act, 1989, Bill Pr45 .	4871	Bill 52	4871
Mr Lipsett		Mr Elston	
Agreed to	4871	Agreed to	4871
Ontario Mortgage Brokers Association		Freedom of Information and Protec-	
Act, 1989, Bill Pr46	4871	tion of Privacy Amendment Act,	
Mr M. C. Ray		1989, Bill 84	4871
Agreed to	4871	Mr Elston	
Homes Unlimited (London) Inc Act,		Mr Sterling	
1989, Bill Pr52	4871	Agreed to	4871
Mrs E. J. Smith		Courts of Justice Amendment Act,	
Agreed to	4871	1989, Bill 69	4872
Brantford and Southern Railway		Mr Scott	
Company Inc Act, 1989, Bill Pr54 .	4871	Agreed to	4872
Mr Neumann		Evidence Amendment Act, 1989,	
Agreed to	4871	Bill 70	4872
Times Change Women's Employment		Mr Scott	
Service Inc Act, 1989, Bill Pr56 . . .	4871	Agreed to	4872
Ms Poole		Business Information Statute Law	
Agreed to	4871	Amendment Act, 1989, Bill 79	4872
		Mr Sorbara	
		Agreed to	4872

Courts of Justice Amendment Act, 1989, Bill 81	4872	Ms Hošek	4878
Mr Scott		Mr Mancini	4879
Agreed to	4872	Vote deferred	4879
Provincial Penalties Adjustment Act, 1989, Bill 92	4872		
Mr Scott		Second readings	
Agreed to	4872	Municipal Statute Law Amendment Act, 1989, Bill 90	4879
Education Statute Law Amendment Act, 1989, Bill 64	4872	Mr Ballinger	4879
Mr Conway		Mr Breaugh	4880
Agreed to	4872	Mr McCague	4882
Ottawa-Carleton French-Language School Board Amendment Act, 1989, Bill 65	4872	Agreed to	4883
Mr Conway		Ministry of Transportation and Communications Creditors Payment Repeal Act, 1989, Bill 101	4883
Agreed to	4872	Mr Miller	4883
Public Service Pension Act, 1989, Bill 36	4872	Mr Charlton	4883
Mr Elston		Mr McCague	4883
Agreed to	4872	Agreed to	4883
Second readings		Construction Lien Amendment Act, 1989, Bill 102	4883
Municipality of Metropolitan Toronto Act, 1989, Bill 53	4872	Mr Miller	4883
Mr Breaugh	4872	Mr Charlton	4884
Mr McCague	4872	Mr McCague	4884
Mr Ballinger	4872	Agreed to	4884
Agreed to	4872	Committee of the whole House	
District Municipality of Muskoka Statute Law Amendment Act, 1989, Bill 34	4872	Employer Health Tax Act, 1989, Bill 47	4884
Mr Ballinger	4872	Mrs Marland	4884
Mr Breaugh	4872	Mr Daigeler	4884
Mr McCague	4873	Ms Bryden	4886
Agreed to	4874	Mr Villeneuve	4892
Committee of the whole House		Progress reported	4894
District Municipality of Muskoka Statute Law Amendment Act, 1989, Bill 34	4874	Royal assent	
Mr Ballinger	4874	His Honour the Lieutenant Governor . . .	4894
Mrs Marland	4875	Other business	
Reported	4877	Recess	4851
Third reading		Supplementary estimates	4852
Public Service Pension Act, 1989, Bill 36	4877	Mr Elston	
Mr Morin-Strom	4877	The Speaker	
Mr Reville	4878	Members' anniversaries	4854
		Mr McCague	
		Business of the House	4894
		Mr Ward	
		Adjournment	4895
		Alphabetical list of members	4896

TABLE DES MATIÈRES

Le jeudi 14 décembre 1989

Troisième lecture

Loi de 1989 sur l'accès à l'information
municipale et la protection de la vie
privée, projet de loi 49. 4871
M. Elston
Adoption du projet de loi en troisième
lecture 4871

Loi de 1989 modifiant la Loi sur le
Conseil scolaire de langue française
d'Ottawa-Carleton, projet de loi 65 . 4872
M. Conway
Adoption du projet de loi en troisième
lecture 4872



No. 86

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Second Session, 34th Parliament
Monday 18 December 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 18 December 1989

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

COURT FACILITIES

Mr Kormos: The inadequacy of Welland's and Thorold's courtroom facilities has been the subject of more than a few exchanges both inside and outside of this Legislature. Now it is the chief of the Niagara Regional Police Force, John Shoveller, who calls the conditions in the holding cells at the Welland district courthouse "unsafe, unhealthy and totally inadequate," so much so that Chief Shoveller will not let his officers work in those facilities. I tell you, Mr Speaker, the chief is 100 per cent right.

There is no good reason to expose the members of the Niagara Regional Police Force to the high risk of injury that these courthouse conditions create. Not only will Chief Shoveller not allow his officers to work in the holding cells areas, but also he vows to ignore the Liberals' new legislation forcing courtroom security on to the municipality and its police force. Once again, to do so would expose good police officers to unnecessary risk of injury because of the inadequacy of those facilities.

Chief Shoveller's observations are but another facet of the gross inadequacy of the Welland district courthouse and provincial courtrooms in Niagara South. The conditions are unsafe, unhealthy and totally inadequate not just for police officers whom we call upon to protect us in these conditions, but also for the public who are called upon to participate in the justice system.

The matter of Welland's courtroom facilities really has now become a crisis. It is imperative—oh, so imperative—that the Attorney General (Mr Scott) respond quickly and appropriately.

TIME-SHARING

Mr Sterling: In March 1988, the Ontario Law Reform Commission reported to the Attorney General (Mr Scott) its conclusions following an examination of the time-share industry in Ontario. That report was 197 pages long and examined virtually every aspect of the industry from the point of view of both consumers and the

industry itself. It contained 92 specific recommendations regarding regulation and concluded that "time-sharing warrants substantial legislative intervention if its growth is to be fostered in this province."

Recommendations suggested by the commission include: a 10-day cooling-off period between buyers and sellers; the licensing of time-share salespeople; full disclosure of hidden costs and liens; registration of all time-share projects, and financial protection for purchasers.

Metropolitan Toronto residents alone are currently receiving some 40,000 invitations a week offering impressive-sounding prizes by time-share companies if they will only attend a sales pitch. Tactics employed by some representatives of this industry are downright despicable and play on people's weaknesses in order to make a sale.

The government has had the extensive recommendations of the Ontario Law Reform Commission for well over a year and a half, yet has done nothing. The government's failure to act in this regard is unfair. It is unfair to the consumers who are being coerced and it is unfair to the legitimate participants in this industry who recognize that regulation would help them to keep their good name.

HUMAN RIGHTS

Mr Velshi: Over the last few weeks we have been hearing in this House praises about events taking place in eastern Europe. It seems that the dark period of human rights abuses is at last being addressed in that part of the world.

Last week we witnessed the expulsion of 51 refugees from Hong Kong to Vietnam by soldiers in the dead of the night on instruction from Great Britain. Many people and countries have condemned Great Britain's new refugee policy on the occasion of Human Rights Week, and rightly so.

What is not known, however, is that Great Britain's new refugee policy is not that new. In 1967, 22 years ago when I was living in Kenya, the newly independent nation of Kenya decided to expel all noncitizens of Kenya. At that time Great Britain allowed all British passport holders who were white to re-enter Britain; however, all

British passport holders who were nonwhite were prevented from entering Britain, leaving all nonwhite Britons to remain in no man's land at the Kenya airport, sleeping on the floors and being fed by local citizens until some other country accepted these British subjects. These included young and old alike.

It pains me to say that Great Britain has lost the moral right to call itself great. When we speak about human rights abuses in Russia, South Africa, Sudan, Ethiopia, Palestine, Chile, etc, Britain must take its rightful place among these countries as not only an abuser of human rights, but as a party guilty of deliberately supporting other countries to continue human rights abuses.

If ever parents can learn from their children, then Britain can learn from Canada what it is to protect the weak and the needy.

WATER RESOURCES

Mr Wildman: I rise to bring to the attention of the House the serious drought condition that has been plaguing the area of Algoma for about a year. Households and farmers in the rural part of Algoma district are experiencing serious lack of water. This is a particular problem in the township of Thompson, where people are having to haul water because their wells have gone dry, but it is true throughout the southern part of Algoma, in the rural area, in the farming area.

There is even one case of an elderly woman who is looking after her aged mother, a Mrs Grasely, who is famous in our area for her great age and her good health, who is having to haul water through this winter. Yet the Ministry of the Environment, for some unknown reason, has a criterion for its private water systems program which requires that there be a minimum of 25 households in a community that need to improve their water systems, or 2.5 people per hectare as a minimum, before the municipality is eligible for assistance under the private systems assistance plan. This does not make any sense. It would make sense to have minimum numbers if we were talking about a communal system, but not when we are talking about rural households and farms in a rural area.

I call upon the government to change the criterion and help the people who need water.

PROPERTY ASSESSMENT

Mr Cousens: On two separate occasions over the last two months, I have asked the Minister of Revenue (Mr Mancini) to state his views on the proposal by Metropolitan Toronto for market value reassessment. The minister has refused to

give a definitive answer. He has stated that the matter is under serious review. The commercial sector in Metro has been left in the dark, and with each passing day there is beginning to be a growing perception that Metro's MVR proposal has been given an implicit go-ahead.

Metro's proposal would reassess all properties on 1984 market values, starting in 1991, until 1996 when they will be reassessed on an as-yet-unknown base year. Any decrease due to the commercial sector will be severely limited to compensate for frozen residential increases.

Some very serious questions that have arisen as a result of this proposal have not been answered. How many home owners will be affected who have renovated or improved their properties since 1981? How will the commercial and industrial sectors be affected by these tax changes?

In order for these changes to be implemented, the province must give its approval by introducing enabling legislation and must also conduct an assessment study before 1991 that could cost approximately \$11 million. I call on the Minister of Revenue to report to this House whether that study has been given the go-ahead. The taxpayers of Metropolitan Toronto deserve some indication from this Minister of Revenue.

1340

ST NICHOLAS DAY

Mr Fleet: How much does the House know about the father of our Christmas tradition of giving gifts? Tomorrow, 19 December, is celebrated as St Nicholas Day by people of Russian and Serbian heritage. It is an important day of celebration to honour St Nicholas.

St Nicholas is believed to have been born in Lycia, Asia Minor, in the latter part of the third century, the son of wealthy parents. A devout Christian, when his parents died, St Nicholas distributed his wealth to the poor, especially children. As the Bishop for Myra, he was renowned for his gift-giving, his kindness and his charitable deeds. The annual celebration of gift-giving to children is in remembrance of him.

St Nicholas is celebrated on 6 December by people of German and Dutch ancestry, and it is the Dutch name Sinterklaas which became our Santa Claus. Undoubtedly, St Nicholas would not mind which name is used or which date is celebrated. He would, however, want us all to remember and to emulate the spirit of kindness and charity towards others which marks the true spirit of the Christmas season.

APPLIANCE INDUSTRY

Mr Charlton: We have an opportunity here in Ontario not only to move in a new direction in terms of electrical energy, a new direction which is a direction that points directly at significantly increased energy efficiency, but also to move to provide significant assistance to an industry that is seriously threatened in Ontario by the signing last year of the free trade agreement.

This opportunity was released this morning by myself and my colleagues in the form of a proposal for a joint venture between Ontario Hydro and the major household appliance industry in Ontario. The proposal for a joint venture, which would not only provide protection for the existing jobs in the appliance industry and allow that industry a recovery which could eventually build the appliance industry in Ontario into one of the best in the world, but would also provide Ontario, and specifically Ontario Hydro, with the ability to move into significant new areas of energy efficiency as has been set out in a number of studies over the course of the last year or year and a half.

I sincerely hope that the Premier (Mr Peterson), the Minister of Energy (Mrs McLeod) and the Minister of Industry, Trade and Technology (Mr Kwinter) will take heed of the proposal. It is a proposal which received significant support from the industry itself and from those who are employed in the industry.

EMPLOYMENT EQUITY

Mrs Cunningham: A news release was issued by the Management Board of Cabinet on 9 November concerning government efforts to institute employment equity in the Ontario public service. The press release stated, and I quote, "Mr Elston told the Legislature that the Ontario public service does well in hiring aboriginal peoples, francophones, racial minorities and women in proportions reflecting their numbers in society as a whole."

Someone should advise the Chairman of the Management Board of Cabinet (Mr Elston) about the recent workforce profile survey results published in a pull-out section of the last Topical publication. Compared to the 1986 "I Count" survey, the presence of the following designated groups has decreased in percentage terms: aboriginal peoples, persons with disabilities, racial minorities and women. Accompanying the survey results is an article which states, "There is a disappointment in comparison of the results," and that is for certain. That could be the biggest understatement of 1989.

Perhaps the Chairman of Management Board could find the time to review the results of his latest survey. It might cause him to carefully review them in a meaningful and resourceful manner so that in this important issue there would be meaning to his important press release.

MAY COURT CLUB

Mr Dietsch: I would like to share with the members of this House the activities of an important organization within St Catharines-Brock. This organization, the May Court Club of St Catharines, indeed promotes the spirit of the holiday season 365 days of the year.

The May Court Club's efforts have been traditionally divided between service projects and fund-raising projects allowing them to give financial assistance and support to a varied number of local organizations. Over the year, these projects include the organization of the annual antique show and sale, the publishing of an annual cookbook, a trash and treasures sale, a charity ball and many other things. Through their efforts they have donated \$30,000 to the purchase of a paratransit vehicle last year.

During the holiday season, the club holds its annual raffle to help finance some of its work throughout the year. Numerous Christmas trees are decorated with their own individual theme and given away as prizes. Another equally as important an activity is working in conjunction with associated services in St Catharines. The club purchases, sorts and distributes toys to children of less fortunate families.

I would like to ask the members of this House to join with me in congratulating the May Court Club's president, Bonnie Day, and the countless volunteers who make this very special work possible and make St Catharines-Brock a special place in which to live.

MEMBER'S PRIVILEGES

Mr Cousens: On a point of privilege, Mr Speaker: I draw to your attention an incident that took place at 11:57 pm on Wednesday 13 December. I hereby request that the Speaker look into the circumstances that led to my being denied one of my most basic rights as a member of the Legislature, that of being heard, and the right to speak in the House on matters that are legally and properly before the House. On that night, I maintain that I was denied that most basic of rights and I would ask you to look into this matter.

This issue becomes all the more important under the new rules of the House, which have

given extended powers to the Chair. If you find that I have a prima facie case of privilege, I will then move that this matter be referred to the standing committee of the Legislative Assembly for further consideration.

The Speaker: Any other members wishing to make any—no? I have listened carefully to the member. I noted that you have something written. I would be glad to receive a copy of what you have written.

As I recall, I believe we were in committee quite a bit of the time that evening, and that took place in committee. Therefore, I would have to take a look at written Hansard and electronic Hansard, which I will do. Instant replay.

STANLEY RANDALL

Mr Sterling: I would like to ask for unanimous consent to pay respects to the late Stanley Randall, a member of the Legislature.

The Speaker: Unanimous consent?

Agreed to.

Mr Sterling: I would like to pay tribute today to a former member of our Legislature, Stan Randall, who died on Wednesday and whose funeral is being held this afternoon.

Stanley Randall represented the riding of Don Mills from the time it was created in 1963 until he retired from politics in 1971. As the Minister of Trade and Development, he sent a message to the world that Ontario was the place to be and greatly increased exports of Ontario products. He developed the concept of Ontario Place, the Ontario Development Corp and the Ontario Housing Corp.

His life is a success story of talent, determination and hard work. He started as a clerk and worked his way up to be president of a company, getting his bachelor of arts degree at night school along the way. He believed in getting things done and lived a rich and fulfilling life until his death at 81 years.

I extend sympathy to his wife Peggy and his family on behalf of the Progressive Conservative Party of Ontario.

Mr J. B. Nixon: I rise today on behalf of the government to pay tribute to Stanley John Randall. Stan Randall, as members are aware, was member of provincial Parliament for the riding of Don Mills from 1963 until he retired in 1971. Back in those days, the riding of Don Mills contained much of the present-day York Mills, and I remember as a youth that he was the man who represented my family and my community at Queen's Park.

Stan Randall led an interesting and some might say diverse life. His career began by selling washing machines and eventually he became president of the company that he sold for. Ultimately, he became Ontario's Minister of Trade and Development, selling and promoting the province of Ontario. Mr Randall felt very strongly about promoting Ontario, being responsible for the slogan, "Is there any place you'd rather be?" I am sure it is a slogan all Ontarians will remember.

1350

He was a colourful politician. He made more speeches than any three cabinet ministers and spun out his dream of Ontario with a mixture of gut wisdom, one-liners, puns and raw energy. Favourite quips included, "Progress is like a wheelbarrow; you have to give it a push," and, "A foot in the door is worth two on the desk."

I think what impressed me most about Mr Randall was his vision of Ontario and his positive thinking. He once said, "People have got to maintain their confidence—there's no quicker way to start a depression than for people to lose confidence and stop spending," something we might think about in these days.

Stan Randall was a good politician, party politics aside. At a time when Ontario's economy was booming and growth was the byword of the day, Mr Randall was an eminent spokesman for Ontario both at home and abroad. He was an Ontario-first promoter, being responsible for the development of Ontario Place, the Ontario Development Corp and the Ontario Housing Corp. He represented his constituents well, he represented his ministry well and I believe I can say in all sincerity that he represented Ontario well.

On behalf of my caucus and our government, Mr Speaker, please convey our deepest sympathies to the Randall family.

Mr B. Rae: I am sure Stanley Randall would appreciate hearing from those he described in my presence as economic socialist weirdos. I must say that I certainly want to support what has been said about Stan Randall by my colleagues the member for Carleton (Mr Sterling) and the member for York Mills (Mr J. B. Nixon).

Stanley Randall served long before I got here, but after I was elected I had an opportunity to meet him on a number of occasions. I knew him by reputation when he was the minister of industry and trade for Ontario. He was a man of enormous energy, of great common sense and of great good humour. He represented a very different point of view and perspective on life

from my own, but he was someone for whom I know many members on all sides had a great deal of affection. I know he was very well regarded by his constituents, obviously, they having returned him to this place in three elections.

I hope the Randall family will share with me the thought that given his long life and contribution to this community and to his family, we might also think of today as a day when we celebrate his life as well as mourn his passing.

The Speaker: I thank the members for their comments. When Hansard is officially printed I will make certain your words of sympathy will be sent to the Randall family.

ARTHUR EVANS

Mr J. M. Johnson: Mr Speaker, could I also request unanimous consent of the House to pay tribute to our former colleague, Arthur Evans.

Agreed to.

Mr J. M. Johnson: I am honoured to have been selected by our caucus to pay tribute to an old friend, Art Evans. Arthur Evans, who died last Thursday, is survived by his wife Eileen and children John, Don, Robin and Cathy. To all of them may I just simply say that we have all lost a friend.

Art was elected as the town of Bradford's first mayor in 1960, but stepped down later that year to win a provincial by-election. Arthur Evans served his constituents of Simcoe Centre and the province of Ontario extremely well for 17 years, until stepping down before the 1977 provincial election. As well, Art served as the director of the Georgian Bay Hydro System, vice-chairman of Ontario Hydro and later a director of Ontario Hydro.

Art was a very energetic, hard-working, dedicated individual who served his people to the best of his ability and also had the time to make friends.

Art was a very successful businessman and politician. He was a member of the Bradford municipal council for several years, reeve of Bradford and a member of Simcoe county council for six years, 1953 to 1959. During this period on county council, he served as warden of Simcoe county for 1958.

When I was first elected in 1975, one of the first members to welcome me to the new world of Queen's Park was Arthur Evans. Art and I only served together for 18 months, from 1975 to 1977, but in that time he gave me a lifetime of advice, guidance and kindness.

I will always remember Art as a true and dedicated friend, and on behalf of my caucus

colleagues, and I am sure all the members who knew Art Evans, I convey to his wife Eileen and his children our sincere sympathy on the loss of this good man.

Hon Mr Ward: On behalf of the government and the Liberal caucus I would like to extend sincere sympathies to the family of Arthur Evans. As members know, he was a loyal servant of this Legislature for some 17 years, having been elected four times between 1960 and 1977. Prior to that he served his community as reeve of Bradford from 1953 to 1959. During that period members will know that his community suffered severe devastation as a result of Hurricane Hazel. I understand Mr Evans was very active in the relief work that was undertaken at that time.

Over the course of his life Mr Evans was clearly a servant of his community and his province. We all join in extending our sincere sympathies to his wife Eileen and their four children.

Mr Wildman: On behalf of our caucus I would like to extend our sympathy to the Evans family on the passing of Art Evans. I was first elected in 1975. At that time Mr Evans was reaching the end of his career here at Queen's Park. He served until the election in 1977. It was a long career of dedicated public service in Ontario, not only for the 17 years here in the Legislature but also as a municipal politician prior to that for a total of 31 years of public service, one that all members of this House and the members of his constituency certainly appreciate.

It is interesting to note that Mr Evans had a particular interest in public utilities, having served on the Bradford Public Utilities Commission for 14 years and Georgian Bay Hydro as a director, and after his election to this House he was appointed vice-chairman of Ontario Hydro in 1971, an interesting appointment considering some of the attitudes today about members serving on those kinds of boards. Obviously Mr Evans had a sincere and ongoing interest in the matters of electric utilities in this province and the need to serve the rural areas of Ontario.

All of us in this House can appreciate the hard work of the member, who served here 17 years after many years of public service in his own community, and we appreciate the fact that he could serve his constituents that well and for so long. Along with other members of the House we extend our sincere sympathy and condolences to Art Evans's family.

The Speaker: When Hansard is printed, I will make certain your words of sympathy are sent to the Evans family.

STATEMENT BY THE MINISTRY

PROVINCIAL COURT JUDGES

Hon Mr Elston: I am pleased to be tabling for first reading a bill dealing with compensation for Ontario provincial judges.

This bill is the result of a consultative process starting with a review and report by the Ontario Provincial Courts Committee, more commonly referred to as the Henderson committee. The bill adopts the majority of recommendations arising from that report. It also takes into account the advice of the standing committee on administration of justice resulting from that committee's review of the Henderson report.

In an agreement with the judges prior to the establishment of the committee, the government made a commitment that all recommendations of the provincial courts committee would be given the fullest consideration and very great weight. In developing and tabling this legislation, the government has honoured that commitment.

The government initially responded to the Henderson report last spring by implementing salary increases for provincial judges. This bill introduces automatic annual salary adjustments for provincial court judges based on the increased salary levels. The provision reinforces the independence of the judiciary by ensuring annual adjustment of salaries in line with an index of average industrial wages, to a cap of seven per cent. This salary indexing provision parallels a similar provision for the federal judges.

1400

Further, the bill provides for provincial judges' compensation to become statutory payments from the consolidated revenue fund. This provision satisfies a major recommendation in the Henderson report.

The bill also establishes the Provincial Court Commission as a body to review and make recommendations every three years regarding judges' compensation. This triennial review will assess the adequacy of the annual salary adjustments resulting from the legislated formula.

The provincial courts committee made a number of pension, benefit and allowance recommendations in its report and we support the majority of them.

Improvements in benefits and allowances will for the most part be reflected in a consolidated regulation to be available for review before the bill receives legislative approval. Most notably, the survivor benefit will be increased and this increase will be extended retroactively. This will

ensure that present and future survivors are treated equally.

I am pleased to be able to introduce the bill later this afternoon, which with its salary and benefit changes more fully recognizes the valuable work of our provincial judges throughout the province of Ontario.

RESPONSES

PROVINCIAL COURT JUDGES

Mr Kormos: There is a strange and rather forced self-congratulatory tone to the minister's announcement. It is similar to the pride a used car salesman would take in his ability to roll back odometers. The government tells us it engaged in a consultative process. That may well be, but the provincial judges are not aware of it, their counsel are not aware of it and their association is not aware of it. Indeed, if there was any consultation, people listened but they did not hear.

The fact is that with more than a little bit of sleight of hand, what the minister and the government do not tell the judges or the people of Ontario is that they did not give weight or effect to the most important part of the Henderson committee's recommendation, and that was as to what provincial judges' salaries ought to be.

Indeed, this government circumvented the Henderson report by imposing salaries that were in significant contrast with the recommendations made by Henderson. They went through the rather futile charade of sliding the Henderson report through the standing committee on administration of justice, where with their majority of members on the justice committee, there was no listening to reason and certainly no response to the logic inherent in the Henderson report.

Judges' salaries are but one of the serious grievances of the provincial bench in this province, grievances that are so severe that they have begun—the government knows this full well—to impact on the effectiveness of judging in Ontario. The government is delinquent in its response to the Henderson committee and the Henderson report. It has left Mr Henderson, I am sure, with the attitude: "Why did I go through this exercise? What an exercise in futility. Quite frankly, I'll be damned if I'll go through it again for these particular actors."

This government has managed to alienate the provincial court bench. Not only has it alienated the existing bench, but it has not even begun to address some of the very basic problems inherent in the provincial bench across the province. They have not responded to the genuine and legitimate

criticism that our provincial bench, those persons who administer justice on the front lines, in the first instance in most cases, are sadly lacking in terms of being representative of the communities they judge.

It is not inappropriate to ask this government, where is there adequate representation of women on this government's provincial bench? Where is there adequate representation of native people, aboriginal people, on this provincial bench? Where is there adequate representation of people who reflect the communities they are serving?

Those representations are not there. I appreciate there is some lipservice being paid to that, but nowhere near the level of sincerity that would leave even the subtlest impression on any of us, not only in this Legislature but in communities across Ontario.

This government at the same time is hammering away at judges through its having chosen to ignore the recommendations of Henderson. It carries on and continues to ignore the plea of provincial judges for safe working conditions, not only for themselves but for those people who participate in the criminal justice system.

This government persists in its inability to provide adequate, safe courtrooms. This government persists in its refusal to accept its responsibility for policing and security in courtrooms. Rather, it shifts that responsibility on to municipalities at the same time as it reduces its funding to municipalities, so that cities and regions across Ontario that can ill afford the increased burden are being told: "Here, it's you and your police forces that have to cope with inadequate courtroom facilities and inadequate funding on the part of the province. You have to do your very best to safeguard not just the judges, not just the crown attorneys and defence counsel but the people from communities who in good faith appear in those courts on a daily basis to assist or participate in the administration of justice in this province."

This announcement does little, indeed it does nothing, to enhance the credibility this government has lost over the last year or year and a half. It talks about consultation. That is a bald-faced inaccuracy. There was no consultation in this instance, just as there was no consultation when it came to Bill 162 and workers' compensation, just as there was no consultation when it came to the Sunday shopping legislation that this government botched, just as there is not going to be meaningful consultation when it comes to Bill 68 and the horrid auto insurance scheme that this

government is going to impose on drivers across Ontario. Consult, my foot.

Mr Sterling: I notice, by way of just a casual observation, that the minister's statement took approximately two and a half minutes and the response took five. I am not going to be quite as long in my response this afternoon.

I will, however, say that the process by which we determine provincial court judges' salary, benefits and working conditions was greatly shaken in this past year and a half.

Under legislation there is a committee, the Ontario Provincial Courts Committee, which is set up to look at the various matters and its report is referred to a committee of the Legislature. It was only after the urging of our party and the New Democratic Party that the justice committee got down to its work of reviewing that particular report.

Unfortunately, the government took precipitous action prior to the legislative committee even coming out with the report. Therefore, the provincial court judges, the bench, now feel there is very little credibility left with the existing process. I only hope that this legislation will restore some of that credibility because it is not good for the government, it is not good for the opposition and it is not good for Ontario if our provincial court judges do not trust the government. That was clearly the message we were getting when the last salary revisions took place.

I only hope that by accepting some of the recommendations of the Henderson report in this legislation, we will proceed to a quieter time with our judiciary. I cannot comment on the specifics with regard to the bill. I do note in the statement by the Chairman of Management Board (Mr Elston) that he has accepted some of the recommendations of the Henderson report. I only wonder which ones he has left out.

The Speaker: That completes the allotted time for ministerial statements and responses.

RESPONSE TO LETTER

Hon Mr Scott: On a point of privilege, Mr Speaker: On 7 December, in the debate on the motion of the honourable member for Nipigon (Mr Pouliot), the honourable member for Parry Sound (Mr Eves) read into the record a press release which asserted that I had not replied to a letter from the chief of the Mushkegowuk council. The letter to me was dated 26 January 1989 and I replied to him on 29 March 1989.

The Speaker: I will have to rule that it is not a point of privilege. I believe you have corrected

someone else's record, which is not the usual practice in the House.

EDUCATION FINANCING

Mr R. F. Johnston: Mr Speaker, I would like to try a point of privilege, if I might. On Thursday past, I rose to ask your advice on how we could protect the integrity of this House when the government was knowingly sending out incorrect information about a bill that had not yet passed the House.

In spite of the protestations of concern of the Minister of Education (Mr Conway) that day, I have now learned that a property assessment notice about school tax changes will be sent out with all the assessment notices with incorrect information on it. It ignores the right of Catholics to send their assessment to the public school system and presumes that all Catholics in business will wish to send their taxes to the separate school system. The legislation passed third reading on Thursday and was amended to distinguish between Catholics and Catholics who support the separate school system before it did.

1410

I have been informed that the Minister of Revenue is planning on sending out the attached form, even though it is incorrect. In my view, this raises serious questions about the right of the government to knowingly circulate information which contradicts its own legislation. It is doing this because of the deadlines for circulating this information which did not match the legislative timetable established by the government House leader.

All the members of the standing committee on social development have been offended by this action, even if they do not take it personally, because it does not respect the rights of a committee to amend legislation, which in fact it did. All members of this House should be offended by the presumption that their work is being incorrectly portrayed by the dissemination of information by this government. I would ask them to investigate this matter thoroughly.

Hon Mr Conway: I just want to speak very briefly to the honourable member's point because he quite rightly raised in this House, I believe it was on Thursday, two particular concerns. One dealt with a concern that there had been a wide circulation of some material from the Ministry of Revenue that contained some incorrect information. I indicated at that time that I would pursue that. I did. I was able to inform my friend the member for Scarborough West that it was apparently the case that a sample of a

brochure had been circulated to school boards and regional assessment offices at some point last week but that there had been no general circularization of the material prior to the passage of Bills 64 and 65.

There was a second point that really arose from the first, and that was, was it the intention of the Ministry of Revenue to circulate information that somehow did not accurately reflect what the committee had done in so far as amending Bills 64 and 65 was concerned? I will let my colleague the Minister of Revenue speak to that, but it certainly was my information, gathered later that day, Thursday—I do not know that I had an opportunity to report this back to my friend the member for Scarborough West—that it was not the intention of the Ministry of Revenue to circulate incorrect information. I see my friend the Minister of Revenue (Mr Mancini) has joined us. He might like to speak to that point because it falls within his departmental purview.

Mr Brandt: I want to support the point of privilege raised by the member for Scarborough West. I too raised this particular issue last week—I believe, as well, that it was on Thursday—with respect to both the printing and the dissemination of information which was factually incorrect.

I made the point that the minister's bureaucrats had in fact printed thousands of these particular notifications which contained some information which was subsequently altered by the committee and that this information did receive, as the Minister of Education had indicated, a limited circularization in terms of those who were in receipt of the information, but in fact thousands upon thousands of copies of this same information were printed and ready to go, I presume simply awaiting the approval of the Minister of Revenue.

It is wrong to circulate that information prior to its being approved in its final form after being reviewed and approved by this House. I take the position that either it is bad management on the part of the minister or some of his personnel or it is a flagrant disregard, in my view, for the responsibilities that this House has with respect to that kind of legislation which does in fact have tax implications.

Hon Mr Mancini: I have listened very carefully to the comments made by my friends opposite. We have informed a number of individuals who have been interested in this matter that the flyers that were prepared, which were to be sent out today in fact, are not going to be sent out. The costs of the flyers have been

exaggerated. It is unfortunate that any cost has been incurred, but the \$28,000 cost that has been incurred is something that the ministry is going to have to live with.

The flyers we spoke about last week will not be sent out. We try to be ready in advance for a number of reasons, one of them being that we knew that the legislation was not going to be passed until very late and the Ministry of Education, the school boards and all of these people needed this information in order to do the important work we require of them. That is where the matter of the flyers of last week lies.

Mr R. F. Johnston: Just to clarify—

The Speaker: I do not want to get into a debate. I want to give every member an opportunity to discuss it. You have something—

Mr R. F. Johnston: A short matter. It is just that I think we are talking about two different things. There was the flyer matter, which I raised last Thursday; it has been dealt with in the fashion that has already been stated by the government members.

What I am talking about is something that is about to be placed in with all the assessment forms that go out at the beginning of the year. My information as of this morning was that the government had decided not to pull out that information because many of those articles have already been stuffed; thousands and thousands—perhaps as many as 75 per cent—of all those forms going out across the province have already been stuffed, and it is now impossible to take that information back.

We are now sending out information that is basically misconstruing the constitutional rights of Catholics in this province to direct their funds to the public school system if they choose to, and it is making us all seem to have passed legislation which missed that fact as well, and I am offended by that as a member.

The Speaker: I have listened very carefully, and I appreciate the member for Scarborough West putting this in writing. We have had instances in the past on points of privilege where members have not taken the time to write out their points of privilege and we have run into difficulty in examining whether or not it is a *prima facie* case of privilege.

I have listened to all the members very carefully, and I certainly will take a close look at it. I realize that this matter was brought up a very few days ago, and we have now received a report from the minister—I do not know whether you did before or not—but I will certainly look at what the

members have put on the record and come back with a response.

VISITOR

The Speaker: Just before I call for oral questions, I would like to inform the members of the assembly that we have a visitor in the Speaker's gallery. I would like to introduce to all members the Premier of New South Wales, Australia, the Honourable Nick Greiner. Please join me in welcoming the Premier.

ORAL QUESTIONS

FOOD BANKS

Mr B. Rae: I have a question for the Premier. The medical officer of health in the city of Toronto reported on Thursday to the board of health that one in three kids going to school in Toronto today, Monday, is going to school hungry. We also know that one of seven families in Toronto uses food banks. I want to ask the Premier why it is not possible for the province to state categorically that 1990 will be the very last year in which food banks will be operating in Ontario?

Hon Mr Peterson: The Minister of Community and Social Services, I think, can tell the honourable member of the initiatives this government has undertaken.

1420

Hon Mr Beer: Certainly I do not think any member in this House can take any satisfaction from seeing the existence of food banks and indeed of poverty. Clearly what we are trying to do as a government is to develop policies and programs that will ensure that these kinds of facilities are not required.

As the honourable member knows, last spring we introduced a broad range of reforms to the social assistance system and the focus of those reforms was to try to provide increased support to sole-support parents and to children. We recognize, as I am sure anyone must, that those reforms in and of themselves—the addition of some \$400 million, still do not resolve the whole issue, and I can certainly say to my colleague that as minister I see this issue of poverty and particularly of child poverty to be one that as a government we have to expand even more efforts to try and overcome.

Mr B. Rae: The evidence of the 1980s is that poverty has grown among children dramatically, that poverty among working families has grown dramatically and that were it not for the fact that more and more women were entering the job

market in this last decade, family incomes would have declined in real and absolute terms throughout the economy.

I am asking for a specific target, and I am asking the minister a specific question. I want to know why he cannot set a target, why he cannot stand up in this House and say that, as far as the government of Ontario is concerned, there will be no food banks in operation after 1990, because the situation will have changed sufficiently that families will not have to go down and ask for cans of food for free because they do not have any other way of feeding their kids. Why cannot we do that?

Hon Mr Beer: I can certainly give the honourable member the commitment that I will do everything I can, and I believe this government will, to ensure that we lessen as quickly as possible the need for food banks. In the changes that we brought in, I think it is terribly important to focus on one of the critical elements of the Thomson report, on which so much of our program was based, which is to try to ensure that we can get money through changes in the amounts we provide for basic needs for basic shelter. As the honourable member knows, in January a substantial reform to shelter will be brought into place, as will a six per cent increase in terms of basic needs.

That is where I think we have to really focus our attention to get funding to those who are in need so that there will be more money in the pockets of parents for their children, for food. If we can look a year from now and see that we have made a significant impact in lessening the need for food banks, I do not think anyone in this House would be happier than myself—

The Speaker: Thank you. That seemed like a fairly full response.

Mr B. Rae: At the same time as we learn and discover the extent of the real poverty that is in our midst, the front page of the business section of the Toronto Star last week tells us, for example, that Canadian chief executives' pay averages \$429,000. At the same time, the Treasurer (Mr R. F. Nixon) is taking \$60 million out of the pockets of people who are making less than \$10,000 a year. That is just how rotten this government is in terms of income distribution and in terms of what it is doing for fairness.

The minister has not been prepared to say there will be no food banks after 1990. I want him to tell me the answer to this simple question: How many people does he expect will be using food banks in December 1990? What is his target?

Hon Mr Beer: I think that the commitment the government made in terms of the changes last spring, and which we have been implementing, demonstrate the direction that we are moving. We have, I repeat, tried to put those funds in the hands of the people who need them, and we are going to keep addressing the agenda, if you like, that was set out in the Thomson report, the Transitions document. If we continue to do that, and I believe that we will, I am sure that it will have an impact on the need for food banks. That is the goal we have set for ourselves, and we are going to continue to work towards that.

The commitment of my predecessor to try to eradicate the causes of poverty, I think is clear, as is the change in terms of the dollars that we have been putting into this whole area, and we are going to continue to do that. Poverty is simply not something that any of us is willing to accept, and we are going to do our utmost to try to meet that goal and to end the reason for food banks.

RENT REGULATION

Mr B. Rae: My next question is to one of the ministers who is responsible for creating this mess, and that is the Minister of Housing. Shelter costs, and the fact that shelter costs have exploded, are one of the major reasons why so many people are suffering today. Just around the corner from this place, at 44 Walmer Road, tenants have been faced with a double whammy, thanks to Liberal rent review. First of all, they have been told that their rents will be going up in perpetuity by at least five per cent because of the so-called financial loss section, their building having been sold for the umpteenth time, in 1988, for over \$5.3 million.

I wonder if the minister can tell us when he will finally recognize that the financial loss provisions of his rent review law are driving a truck through any protection the tenants might have when it comes to their own rents. When is he going to realize that?

Hon Mr Sweeney: The honourable member will be aware of the fact that in 1986 there was a change in the legislation, and part of the consultation process that preceded that change was to get a group of landlords and a group of tenants together to find ways in which they could agree as to what should be incorporated into the change. The five per cent financial loss was part of that advisory committee's agreement to be built into the legislation.

Mr B. Rae: In addition to the one whammy, which is the financial loss provision, the second whammy is the fact that the tenants not only have

been told by the Rent Review Hearings Board that they are going to have to pay for financial loss for the next five years, they have also just been served with notice of a 21 per cent increase for 1989 that is based on capital expenditures, including salmon-coloured marble imported from Italy for the lobby.

When is the minister going to give tenants the right to say to the landlord: "We don't want your salmon-coloured marble. We'd rather have windows that close properly and rents we can afford than pink marble in the lobby"? When is he going to do that?

Hon Mr Sweeney: I concur with the honourable member that the particular incident he referred to does not seem to be an appropriate one.

The member is aware of the fact that just in the last few weeks I have consulted with both the tenants' association and the landlords' association to come up with a process with respect to repairs and renovations. I would suggest that we are fairly close to coming to a decision on that. One of the distinctions we are quite prepared to make is that all repairs or renovations that have to do with the integrity of the building would go forward but others would be a matter of discussion between tenants and landlords.

Mr B. Rae: As of 30 November, 250,000 tenants have been awarded rent increases under rent review of nearly 11 per cent—10.9 per cent. The reason for these increases, well over the rate of inflation and well over the so-called allowable amount, is financial loss and capital expenditure.

I want to ask the minister, is he prepared to introduce amendments to the law which will protect tenants when it comes to financial losses and when it comes to unnecessary changes to a building, which tenants are having to pay for and which they cannot afford?

Hon Mr Sweeney: I thought I had just indicated to the honourable member that we are working on a process right now to deal with the question of repairs which affect the integrity of the building and renovations which may not. One of the sections we are prepared to come forward with is individual unit reviews.

However, I would point out to my honourable friend that, for the last number of years, the average number of units that have gone to rent review has been between 10 and 11 per cent, which suggests that almost 90 per cent of all the units in the province have been able to settle their increases outside of the rent review process, and I think that is reasonably good.

ELECTRICITY DEMAND AND SUPPLY

Mr Brandt: My question is for the Premier and it relates to Ontario Hydro.

The situation with respect to power shortages in the province is really quite intolerable, as the Premier is aware. There are some industries in Ontario which are required to close on a rotating basis because of shortages of power. Citizens of Ontario are being advised now that they should have their Christmas lights on for only a very short period of time.

It appears that this is either extremely poor management or the beginning of a public relations ploy on the part of Hydro to have the report that they are supposed to be releasing tomorrow with respect to energy demands accepted by the people of Ontario, irrespective of what the alternatives may be that are in that report. I wonder if the Premier could tell me whether he is satisfied with this whole question as it relates to power shortages in the province.

1430

Hon Mr Peterson: Perhaps the Minister of Energy can tell the honourable member why he is wrong.

The Speaker: The question has been referred to the Minister of Energy.

Hon Mrs McLeod: I have had opportunities earlier in this House to respond to the concern about the short-term stresses on the electricity supply in Ontario. I would like to address specifically the honourable member's suggestion that the current stresses may in some way be a ploy on the part of Ontario Hydro. I would like to assure him that I am absolutely satisfied that Ontario Hydro takes very seriously its mandate to provide reliable electricity to the consumers in Ontario. There are some short-term stresses on the system because of very high, record, peak demands and because of some unanticipated as well as some planned shortages, but in fact Ontario Hydro is doing its utmost to meet those short-term demands.

Mr Brandt: First, I do not think it should come as a surprise to the minister that in the month of December there are people who have traditionally, for a long period of time, since electricity was first invented, turned on Christmas lights. Second, the month of December in Ontario has historically been a relatively cold month. This all comes, it appears, as a surprise to Ontario Hydro. Interestingly enough, other jurisdictions have excess power which they are able to supply to Ontario during this time of shortage for our province.

Can the minister indicate why all of these things would come to a head so quickly, when for the last number of years her government has been aware of the demand line, which would suggest we are pretty well in the position we expected to be in in terms of demand for electricity at this point in time? How come it is such a surprise to the minister?

Hon Mrs McLeod: I think if we were to look at the record of Ontario Hydro in meeting its commitment to reliable supply of electricity, that record would compare favourably with any jurisdiction which the member might want to draw a comparison with.

I am not sure that the current peaks come as a surprise, although certainly the rate of growth in our electricity consumption has grown at levels that were perhaps not totally predicted earlier. It is a concomitant of our economic growth, which has also been very strong and very significant in recent years. There are also, of course, some delays in a major source of electricity generation through the Darlington plants coming on stream. I think members of this House are well aware that those delays are directly related to the absolute assurance that is required for the safety considerations in bringing that plant into operation.

Certainly, Hydro is planning to meet the demands. Part of the short-term interruptions are in order to assure that there will not be unplanned outages and interruptions to consumers.

Mr Brandt: It appears that the government is simply lunging from crisis to crisis as it relates to power supply. We now have the completely intolerable decision made by Ontario Hydro that as a result of the threshold levels established by the Minister of the Environment (Mr Bradley) on sulphur dioxide emissions in Ontario for Ontario Hydro, the government in fact is now going to be importing dirty electricity from the state of Ohio, with extremely high sulphur dioxide emissions. I want to suggest that as a former minister, I am well aware that those particular emissions are going to land on Ontario soil and are going to aggravate the acid rain problem. This is simply another method of purchasing power, when the government should be supplying its own power to this province.

The Speaker: And the question?

Mr Brandt: How can the minister accept the fact that she is now forced—and that is the only word I can use—into a corner where she has no other option but to buy dirty electricity from Ohio?

Hon Mrs McLeod: I am sure the honourable member, because of his earlier responsibilities,

will be well aware that the interconnection agreement to purchase hydro power from Michigan was established many years ago and was only, in fact, renewed some two years ago in order to meet short-term shortages in electricity supply.

In terms of planning and crisis reaction, I would submit to the members of this House that perhaps there has never been a more focused effort at long-term planning to meet electricity demands. Members are well aware that Ontario Hydro will be submitting its long-term plans tomorrow and that this government is absolutely committed to ensuring that all our electricity planning is done in a context of review of environmental concerns, which is why we have set up the environmental assessment review process to review all future electricity plans for the province.

Mr Brandt: I directed my question previously at the issue of Ohio electricity, not Michigan electricity.

RETAIL STORE HOURS

Mr Brandt: My next question is to the Premier, hoping that the Premier may want to answer this question, although it does fall in another ministry and he can, of course, transfer the question over. We noticed on Sunday that page after page of advertisements have indicated that stores are going to be open on Sunday. They are advertising quite freely and rather flagrantly that they are breaking the law. To protect themselves, there are other stores which really have no other choice but to protect their market share by following the lead of other retail establishments and staying open as well.

An internal memo that was circulated by Bargain Harold's, one of the retail establishments in Ontario, indicates that it has plans to open on Christmas eve, which is a Sunday I would remind the Premier, but it says, "All retailers are waiting to see if the government will take a stand." They are not talking about the municipalities; they are talking about the government of Ontario. Is the Premier prepared to take a stand to clarify exactly what the government is prepared to do on illegal Sunday openings?

Hon Mr Peterson: I think the Attorney General can help out my honourable friend.

Hon Mr Scott: As the honourable member knows, at Christmastime, particularly, there is considerable interest by some retailers in opening their stores on Sunday so that they can sell goods, and there is some interest by citizens in shopping on Sunday. Indeed, it was only a year ago that the

honourable member himself was shopping on Sunday at Port Huron just before Christmas. The point is the matter is that—

Mr Brandt: There is no law against it in Port Huron. What kind of nonsense is that?

Hon Mr Scott: The honourable member is getting enormously defensive, and the fact that he shops on Sunday does not make him unique. It makes the question a little difficult to deal with, but it does not make him unique.

What I want to emphasize is that we have said from the beginning that where local municipal police forces lay charges, our crown attorneys will vigorously prosecute those charges. I will also tell the honourable member that 10 days ago we notified those regional municipalities that had commenced proceedings for an injunction that we would support their applications when they cared to bring them.

Mr Brandt: The minister is well aware that the current situation is a total mess. The municipalities are upset with it, the retailers are upset with it. The government is absolutely paralysed into inaction on this whole matter. It has done nothing to assist either the municipalities or the retailers to try to bring some semblance of sanity to the kind of confusion that is out there at the moment. Is the minister satisfied that in this province of Ontario in 1989, stores will be open on Christmas eve, which is a Sunday?

Hon Mr Scott: I understand that many are dissatisfied with the situation. I dare say that as the stores are closed in Port Huron, I believe, I am sure the honourable member is dissatisfied that he will have to shop on Sunday somewhere else. But the point I want to make is that the law is clear. There has been nothing to attack the clarity of the law. We have indicated that when municipal authorities, who alone have the responsibility, lay appropriate charges, we will prosecute those charges as vigorously as possible.

We have also indicated to those municipalities that have expressed a desire to seek an injunction that we will support them when they are prepared to proceed. For example, on 7 December I phoned the regional chairman of Metropolitan Toronto, whose case had run into Mr Justice Potts, and I said, "If you want our name and our help, you can have it." He is giving the matter consideration, as are the people in Halton and Peel, and when they are ready to proceed, as they are entitled to do under section 8, we have pledged our support to them and they will get it.

Mr Brandt: I have to say, with respect, to the Attorney General that this is not clear. The determination to enforce the law, either on behalf of or in co-operation with the municipalities is also not clear. What he has is a real mess as a result of the kind of legislation that his government brought forward.

I want the Attorney General to be aware that both opposition parties, unlike the government, have very clearly gone on record indicating their opposition to Sunday openings. They have very clearly gone on record as asking the government—in fact, demanding of the government—that it bring in comprehensive legislation that will control store hours for Sunday openings. Is he prepared to stand in his place on behalf of the government and indicate very clearly to the people of Ontario that he and the government he represents are opposed to Sunday openings? Will he give that clear message, at the very least?

Hon Mr Scott: As the honourable member knows, the position of the government was made plain when the framework law was passed by the House in the last session. It permits a local option, which has not yet taken place under the new law. We are satisfied that that law is a responsible, flexible, fair response to the competing interests and needs of Ontarians all the way from Fort Frances in the west to Hawkesbury in the east. I do not understand, and maybe the honourable member does, why the people who live in Sault Ste Marie, who are in desperate commercial competition with their friends and neighbours in Sault Ste Marie, Michigan, should submit to the same rules as, for example, the people of Ottawa.

But I want to tell the honourable member, at this season of the year—because he could not count last year, when he went shopping on Sunday at Port Huron—that under our law there are only six more shopping days.

Mr B. Rae: I have a question to the Attorney General. He will know that under section 8 of the law, he has the authority, where he finds there is a pattern across the province, or for whatever reason, to himself make application to bring an injunction against stores that are breaking the law.

The reports are that four grocery chains were able to open 52 stores in several regions across the province and that many others are now thinking of getting into the game for their own commercial reasons. I want to ask the Attorney General, does he not think that the law, in fact, gives him not only the power but the responsibility to take those four chains to court, from

a provincial standpoint, and say, "This is not simply a regional issue in Halton or in Peel or in Niagara or in Metropolitan Toronto or anywhere; it is a problem across southern Ontario." In this instance, why not bring a comprehensive injunction against those companies?

Hon Mr Scott: There appear to be four regions to which the honourable member has referred. In three of those four regions, injunction proceedings have already been taken by the municipal council, and I gather injunction proceedings are being considered in the fourth. We have indicated to the three that have already moved that we will support their application and be present when it is argued to lend our support. It would be idle and wasteful to duplicate those proceedings which have already been undertaken.

Mr B. Rae: Let me ask this simple question. When those companies trumpeted to the entire world, not yesterday, not last week, but several weeks ago, why did he not stop them in their tracks? Why did he not bring the application several weeks ago so that we would not now be in the situation where not just a few stores but hundreds of stores were open yesterday—not all of them were charged—and where the Attorney General's failure to uphold and to enforce the law and to carry out injunctions has, in fact, brought the law into disrepute? Why was he not there several weeks ago?

Hon Mr Scott: This is revisionist history. As the honourable member will know, the regional municipalities of Metropolitan Toronto, Peel and Halton commenced applications for injunctions on their own, without notice, reference or inquiry of us. One of them, the regional municipality of Metropolitan Toronto, had a preliminary ruling from Mr Justice Potts. We indicated by telephone and by letter on 7 December that if that municipality wished to renew its application for an injunction, we would lend our name to it and support it by our presence and by argument.

The municipality has been giving consideration to that request and apparently has now decided to act on it. We have made a similar offer to the other municipalities which have brought applications for injunction.

Mr Jackson: Mr Speaker, I have a question for the Minister of Revenue (Mr Mancini), who, I believe, has just stepped out. Could you please invite him to the House?

The Speaker: It is difficult for me to invite anyone into the House. However, there might be

someone with another question to another minister.

PEOPLE WITH BRAIN INJURIES

Mrs Cunningham: My question is for the Minister of Health. The Ontario head injury association sponsored public provincial hearings on the status of wellness opportunities for residents with traumatic brain injury in April of this year. This report was submitted to cabinet in the fall, and I am certain she has taken the time to review this report and the recommendations.

There are 33 recommendations in this particular report, and the key recommendation has to do with the consumer information support system. In fact, there is one now that is supported by the American government. The United States government supports the information system that we now have in Ontario.

I know that she is aware their funding is running out at the end of this month, and my question today is, when will the minister let the Ontario head injury association know of her commitment to this particular program, the only program, which will run out this month?

Hon Mrs Caplan: First, I would like to say to the member opposite that I am very well aware of her interest in this matter, from both a personal perspective as well as that of a member of this Legislature. I would say that I understand the difficulties that are faced by families in the situation of dealing particularly with family members and friends who have experienced head injuries.

The ministry recognized some time ago the need for additional services. In fact, we are working with our colleagues to improve services. I met recently with the association and representatives thereof and I see today Ray Rempel here in the gallery and want to welcome him here to the Legislature. I know as well that he is meeting with probably one of the strongest advocates in this government for the head-injured, and that is the Minister without Portfolio responsible for disabled persons (Ms Collins).

I want to say to the member opposite that we are making progress, that there is more that still needs to be done, but in fact we are working together to achieve our goal of appropriate care for those people with head injury in the province.

Mrs Cunningham: We are very pleased, of course, that she is aware of what is happening. She knows, as well as the rest of the members in this House, that there were extensive public hearings and there are some 33 recommendations, but the fact is that right now hardly any of

these recommendations can be acted on. The basic building block is the information system that is in place. No one would have thought for a moment that the only system that is in place would be lost and right now that is funded by the American government. We need to know if the basic information system for families and friends and community members and the head-injured population will be in place on 1 January. The only way it can be in place is if this government supports it. Will the minister be supporting it on 1 January?

Hon Mrs Caplan: Today, I cannot be specific about any aspects of programs for the future. I can say how proud I am of the initiatives that we have taken to date. In December 1987, for example, we designated Hamilton Chedoke McMaster Hospital as a provincial resource—and let me stress provincial resource—for those with acquired brain damage, and some \$3.9 million was provided for this purpose.

I acknowledge that there is much to do and that we are working in co-operation with all of those who have an interest, with my colleague the Minister of Community and Social Services (Mr Beer), as well as with the advocate within government, the Minister without Portfolio responsible for disabled persons, to ensure that we are sensitive to the needs of people and their families and their friends who require these services and that in due course, as appropriate, we will be as responsive as we can to ensuring appropriate and optimal care for the people in this province.

1450

SKILLS TRAINING

Ms Hošek: My question is to the Minister of Skills Development. Since the free trade agreement has come into effect, many Ontario companies have either closed or cut jobs: Dofasco in northern Ontario and Nortel in Brampton; Arnold Manufacturing in Windsor and Duomatic/Olsen in Tilbury; John Deere in Welland and Lear Siegler in Kitchener; Libbey St Clair in Wallaceburg and Trailmobile in Brantford. There are many, many others; there is a much longer list than that.

I would like to ask the minister the following question: In the light of the devastating economic effects on the working lives of men and women in Ontario, what is our government doing to assist them in developing new skills? What are we doing to make training programs available for people who work in industries that face this major change?

Hon Mr Conway: My friend the member for Oakwood raises a very good point in her excellent question. I can tell her that the government of Ontario has taken a number of steps over the last couple of years to deal with not just the free trade agreement but the very real changes in our global economy in the area of public policy in Ontario.

For example, my colleague the Minister of Labour (Mr Phillips) has negotiated a program for older worker adjustment. We in the Ministry of Skills Development have specific programs, like Transitions, to assist the incumbent workforce that is facing this kind of pressure to meet the challenge of the future.

Interjections.

Hon Mr Conway: My friends opposite point out that more needs to be done, and of course more will be done. In the area of new technologies, for example, the Premier's Council has, over the last few years, invested very substantial new resources to effect a better synergy between our universities and the private sector, to ensure that we are going to be competent in those new technologies, because we do know that in those areas there are going to be very considerable opportunities.

In elementary and secondary education, we are undertaking specific new initiatives to ensure that the young people who are going to be the workforce of tomorrow are going to have the skills that they are going to require to meet that challenge as well.

Ms Hošek: My specific concern is the whole question of what happens to the real people out there who lose their jobs. A good number of those people, of course, are women. I would like to know what our government is going to do to make sure not only that all the people who need to have their skills revised for the new world of work, but in particular women, get their needs met so that they are allowed to learn in the style that suits them.

Hon Mr Conway: Through a variety of initiatives, everything from improvements to our student assistance initiatives to the acceptance of the so-called Social Assistance Review Committee report through to increasing the opportunities for women in the nontraditional areas like trades and technology, through to elementary and secondary educational efforts in terms of awakening women, and particularly educators, to the opportunities for women in many of the nontraditional areas, we have tried, and we will continue to endeavour, to effect not just educational initiatives, but also social policy, because

in the case of women we know very well that good social policy is going to be required to buttress the efforts of ministries like the Ministry of Education and the Ministry of Skills Development, to name but two.

CHILDREN'S MENTAL HEALTH SERVICES

Mr Allen: To the Minister of Community and Social Services: Poor children run at least double the risk for about every life risk that one can imagine. It shows in their psychological and their behavioural disorders, in their rate thereof relative to other parts of the population of children.

At the same time, after years of poor funding, children's mental health centres that exist to serve these children are themselves the poor children of health care. They cannot compete for staff, high turnover rates disrupt treatment, waiting lists grow and quality is dropping. If the government will not tackle child poverty head on, it has to pay the consequences. When is it going to provide the full resources necessary to help children's mental health centres help poor kids deal with the mental and emotional consequences of being poor?

Hon Mr Beer: I can say to my honourable friend that I, as I am sure he and other members have in the last few weeks, have been meeting with representatives of children's mental health centres, both in my riding and elsewhere, around some of the very real issues and problems that they are facing. A number of meetings have taken place between members of my staff and representatives of the Ontario Association of Children's Mental Health Centres, and I will also be meeting with them early in the new year.

I think what we are doing is identifying clearly the major issues—and they have asked that we do this—that they are facing and then to work with them in trying to ensure that we can get on top of those particular problems. I think we recognize very clearly—and that is reflected in our report *Better Beginnings, Better Futures*—the impact that poverty has on children's mental health. That has to be a priority area for this ministry.

Mr Allen: The issue is pretty clear and ought not to take a lot of consultation. It deals with the problem of community-based agencies and the funding levels they receive. That is the reason why these agencies are noncompetitive, the root of their staff turnover problems, the declining service, the long waiting list that kids have to suffer while they are waiting to be treated. The result is child/youth workers, for example, get

6.5 per cent to 47 per cent less than comparable staff in related agencies. Professional staff—social workers, psychometrists and psychologists—are 5.5 to seven per cent behind social service agencies, they are 12 to 17 per cent behind health-funded positions and they are 28 per cent behind their counterparts in boards of education. It is no wonder they cannot get staff, it is no wonder they cannot keep up the service.

The Premier's council has laid on the minister the responsibility of eliminating these gaps. When is he going to do it, so disturbed poor kids can secure good treatment when they need it?

Hon Mr Beer: I think it is important to note that over the last three to four years we have increased our funding for children's mental health centres, from some \$105 million to \$160 million. Even with that, we recognize that there are still issues related to a number of the points which the honourable member has raised. But the way to resolve those is going to be looking at the whole area of services to children and working in concert not only with children's mental health centres, but with children's aid societies and others that are providing specific help to young people. This we are committed to do.

We look at all of these services as being integrated and that the solution we will come to will be one that is going to involve a number of ministries. But clearly, I think if the member looks at the funding over the last couple of years, if you look at the direction that is in the report *Better Beginnings, Better Futures* and the work of our own Advisory Committee on Children's Services, there is a framework there whereby we will work out a number of these issues and be able to work co-operatively with the children's mental health centres and have a real impact on the kids they serve.

EDUCATION FINANCING

Mr Jackson: My question is to the Minister of Revenue. Last Thursday it was brought to the minister's attention—apparently, according to Hansard, for the very first time—that erroneous and misleading assessment notices were being sent out through his ministry. The minister will be aware that this is a matter of substance since it deals with the recent change in legislation under Bill 64, which divides commercial-industrial assessment between separate and public school boards. The error that was brought to his attention would in effect, if gone unchecked, represent a further loss of revenue to public school boards in this province.

Given that the minister assured this House four days ago in Hansard that he would stand in his place and report to this House, I would invite him to do that. Given that he has now discovered a second erroneous notice, I would ask him to clarify now for this House how many notices were published, how many, if any, were sent and what he is prepared to do about it.

Hon Mr Mancini: The honourable member is incorrect. We have not prepared assessment notices which are incorrect. I tried to make that clear to him last week. What the honourable member is talking about, so that the members of the House can understand, is a flyer, which the officials in the ministry had prepared, that we were going to send to the 400,000 or so clients advising them that a very important assessment notice was coming and that they should be watching for this particular notice. I said earlier in the House today—I was very clear about it—that the flyers in fact had not gone out to the vast general public. As a courtesy they had gone out to the regional assessment offices and the school boards because they would be requested to, and indeed they would have to, answer questions. Those flyers have not gone out. I have held up their mailing and they will not be used, as I said earlier today.

Mr Jackson: I think it is the minister's information which is quite incorrect. We have given him a copy of his notice. That was given to him on Thursday. What we brought into the House today to give him was an actual copy of the notice which is given to business and corporation assessment payers in this province. This form has room for a signature, to print its name, the designation of whether the company is a publicly traded company or not. That is what we have demonstrated with an actual copy of in this House. It is the minister's lack of awareness of what is going on in his ministry which is at stake here.

1500

Now, if the Minister of Education (Mr Conway) has wrongly advised him of what amendments were being made it could be understood, because the Minister of Revenue was not present for this committee's deliberations on Bill 64. But that excuse aside, when will the minister resolve the central point as to whether or not all notices that contain this information will be withdrawn and that he will publicly state how many will be destroyed and how many will be—

The Speaker: Order. You are trying to get four supplementaries in there.

Hon Mr Mancini: As gently as I can, the honourable member is wrong again. The insert to the real assessment notices that the honourable member is pointing to basically allows for partnerships and businesses and corporations to make initial contact with the ministry. Then this initial contact is followed up—by phone, by open houses and by a number of other ways—to ensure that what the businesses want to do is what the Ministry of Revenue does as far as how they wish to direct their property taxes.

REPRODUCTIVE CARE

Mrs O'Neill: My question is to the Minister of Health. My question focuses on the provision of health services for women. She no doubt well remembers the 1988 report of the Advisory Committee on Reproductive Care. Can she update us on what initiatives her ministry has taken in this area?

Hon Mrs Caplan: I would like to thank the member for the question. In fact, the contribution of the Advisory Committee on Reproductive Care has been significant, as has been our response. As the member knows, the goal of the reproductive care committee was to improve the health status of mothers and their babies. We declared maternal and newborn health as a priority for the ministry. We have announced innovative programming, some \$1.5 million for a health promotion pilot program which offers social and emotional support to low-income and teenage mothers.

The reproductive care report also, she should know, was responsive to both low-risk as well as—

Mr Jackson: You won't bring up about the lady whose baby died in an airplane when she left St Catharines for London. The baby died in midair. You know it. You won't bring that up.

The Speaker: Order. The member for Burlington South, do you think you can really control yourself?

Mr Jackson: I am working on it.

The Speaker: Thank you.

Hon Mrs Caplan: I would point out to the member and to all members of the House that 85 per cent of all of the births in Ontario are as a result of low-risk maternal care. The member knows that we are world leaders, and the recent perinatal statistics from that report indicate a decrease in mortality, as well as low birth-weight rates, for Ontario. The member should be aware as well that the report recommended that one high-risk centre was required in Ottawa, and we

moved to implement that recommendation as well.

Mrs O'Neill: From time to time we hear of mothers who must travel for specialized care services. Will the minister please tell us what she is doing to ensure that women are getting the care they need as close to home as possible?

Mr Jackson: Bring up the St Catharines death.

Mrs O'Neill: I think this member to my right has suggested he is trying to get himself under control. I hope he is continuing.

Hon Mrs Caplan: One of the initiatives which I think is particularly significant is that we have offered alternative payment methods for physicians who work in paediatric subspecialties, because in fact they have been discriminated against by traditional Ontario Medical Association fee-scheduling practices. As well, we have established a computerized bed registry which links all of the high-risk centres across the province and we have appointed a maternal and child care co-ordinator, Nancy Shosenberg, with the mandate to organize an expert team of health professionals to assess the province's perinatal system.

We have as well, I am quite proud to say, established a multidisciplinary team with the goal and the mandate to try to improve the health outcomes for women of child-bearing age at the same time as reducing the rate of caesarean section across the province to a more acceptable level. The goal is 15 per cent over two years, but the other side of that goal is improved health outcomes for the women of this province. Maternal and child health is a priority.

NATIVE JUSTICE

Mr Wildman: I have a question for the Solicitor General. Could the Solicitor General explain why, despite the fact that the Race Relations and Policing Task Force recommended that a tripartite task force on native justice be created and be in operation by April 1990, and the Ontario Native Council on Justice in June 1989 voted in favour of the recommendation and expressed willingness to participate, native organizations, such as the Union of Ontario Indians, have yet to be contacted by anybody in the provincial government about participating?

Hon Mr Offer: The member will be aware that approximately four, five or six weeks ago, on behalf of the government, I made a response to the Lewis task force report, a very comprehen-

sive report which dealt with a number of issues dealing with policing and race relations.

The member is quite right when he brings forward the whole question of first nations communities and the whole issue of policing. I think it is important for the member to realize that in March 1989 the previous Solicitor General, who is the member for London North (Mrs E. J. Smith), signed an agreement for first nations policing in Ontario. This document marked the beginning of a transition period during which first nations will be taking over aspects of policing.

As the member will be aware, there is a specific agreement at the Six Nations reserve, whereby policing is being taken over, in dealing with responsibility and obligation by the Six Nations people.

The Speaker: Thank you.

Hon Mr Offer: I believe that this particular agreement, together with the example that we are seeing through the Six Nations, is an example for many to follow and something which we are working to—

The Speaker: Order.

Mr Wildman: He does not want to quit.

It is, I suppose, understandable that the Solicitor General would specifically single out policing, but he would know that the task force was not talking about just policing in the setting up of the tripartite group to look into native justice. It is looking into the whole court system, the way of dealing with offences and penalties.

In light of the statement by the Attorney General (Mr Scott) last week about the government's willingness to negotiate Indian self-government, can the Solicitor General explain when this tripartite commission will be set up and operating and when the native organizations will be consulted about its membership, so that we can move to really establish Indian self-government in regard to the justice system?

Hon Mr Offer: I can comment by specifically talking about the whole issue of first nations and policing and indicating that on that particular issue we have recently completed and executed renewals of those agreements of March 1989, which I believe provide an important example for many to follow in dealing with the specific issue of policing and first nations.

Certainly part of my response to the Lewis task force report was to establish a greater community liaison between the police community and the general community. I believe there is a great deal of work to do. It was just recently that I visited

Thunder Bay and had some very important and very fruitful discussions with representatives in that area about how best we can make certain that the police community is sensitive to the needs and responsive to the wants of the general community and how the general community can provide an input as to—

The Speaker: Thank you. I wonder if the Minister of Energy (Mrs McLeod) could help unwind him.

1510

CORRECTIONAL FACILITIES

Mr Cureatz: I have a question to the Minister of Correctional Services. As the minister is well aware, over the past little while we have been after the ministry, concerned about overcrowding, transportation, facilities. We had visited the Don Jail. We are very pleased about the minister's announcement a couple of weeks ago to try to alleviate some of these problems.

More particularly, in my municipality, the region of Durham, and in the riding of Durham Centre, an inspection panel had investigated the Whitby Jail. The results of the inspection panel are as follows: that the jail should be condemned, that it is overcrowded, potentially dangerous and has outlived its usefulness. A lot of people throughout the region of Durham who are associated with the facility or are working in the facility or are placed in the facility are concerned about the old facility.

Would the minister indicate to us in this Legislature and to the people in the region of Durham if he is going to be instituting any of the recommendations under the panel?

Hon Mr Patten: The member should know that our officials take these reports very seriously. In each instance where a panel visits an institution of ours and drafts a report, it is sent to our ministry. This one, as the member knows, is fairly recent. Our officials at the moment are studying the particular recommendations of the panel.

I might add for the member's interest, because I believe it is in his riding, that this particular institution is part of a 15-year capital plan that we have in our ministry and it is high on the list. I cannot, at this particular point, identify a specific date for the expansion of the facility, except to tell him that we are aware of the importance of needing more space in that institution and we are doing our utmost to promote that cause.

Mr Cureatz: In conjunction with the overcrowding, it has also been learned that a number of inmates are being transferred in a school bus,

being accompanied of course by the driver, a civilian driver, and one guard. In the minister's review of the panel's recommendations, would he be so kind as to indicate to this Legislature that the specific problems of transferring inmates, which have been brought to his attention before, will be examined?

Will the minister give us some assurance that at least that aspect can be alleviated slightly? Instead of looking at the whole jail problem immediately, will he at least alleviate the concerns people have about transferring inmates in school buses with only a civilian driver and one guard?

Hon Mr Patten: The member says there is a problem with transfers, but I do not know what the problem is. We transfer inmates from time to time for a variety of reasons. We transfer offenders who have different classifications in our institutions, meaning that some have more serious crimes than others. The member well knows that the offenders we have who are sentenced in our particular institutions are not the violent mass murderers or that kind of ilk. As a matter of fact, they go to the federal institutions.

When we talk about intermittent sentenced offenders, these are people who have perhaps not paid a fine; they are people who have perhaps driven a car under the influence for the third time after a warning; they are people who may be involved in shoplifting or offences of that nature. These are not people who are a violent threat of any kind. I think the member well knows that. They are transferred. It saves us money so that we can take some of that money and invest it in the staff that is needed because of some of the pressures of overcrowding.

NIAGARA RIVER WATER QUALITY

Mr Dietsch: My question is to the Minister of the Environment. The minister will be only too well aware of the ongoing concerns about the Niagara River by many individuals, especially those in the St Catharines-Brock riding. It has been three years since the signing of the four-party accord, which was designated to address the problem of industrial discharge into the Niagara River. I would like the minister to give this House an update on the activities Ontario is undertaking in this regard.

Hon Mr Bradley: The member has had an ongoing interest in this, both as a municipal representative and as a provincial representative. He will be pleased to know that in fact Ontario municipal industrial discharges have been reduced. According to a report that we put out

earlier this month, the toxic discharges into the Niagara River have been reduced by 64 per cent in the last two years.

In addition to that, sampling conducted by the ministry in 1988-89 shows, if we take into consideration the loadings in the 1984 Niagara River report, that in fact the loadings have been reduced 85.5 per cent since that report was produced. An industry such as Atlas steels, the only Canadian source among the top 10 contributors to the river, has cut its discharges by 30 per cent since 1986-87, and the company has reduced its pollution by 87.6 per cent from the 1984 levels.

Other loadings that have been reduced are at Fleet manufacturing, Cyanamid of Canada in the Falls and Cyanamid in Welland. All substantial decreases in the Canadian—

The Speaker: Thank you.

Mr Dietsch: I certainly appreciate hearing the positive steps that are being contributed by Ontario industries but, as the minister well knows, the Niagara River is an international waterway and this is a multiparty agreement and it involves the United States. I would appreciate hearing your views on the action taken thus far by the United States.

Hon Mr Bradley: I should point out that United States representatives were there as we turned the shovel for the upgrading of the Anger Avenue sewage treatment plant, and I am pleased to report that in fact a 91.4 per cent decrease has been recorded in the contaminants from Fort Erie's Anger Avenue plant from 1986-87 to 1988-89, which is a substantial decrease.

On the American side, they have had some significant decreases in the point source part of their problem, but of course the main problem lies with the toxic waste dumps which are located near the Niagara River. We will continue to pursue, as we do either through the court or through various other activities, each of the remedial action plans that are taking place on the American side. We will continue the pressure, of course, as we have in the past.

Members of the House will remember that it was Ontario that held out for the tough, specific agreement on the Niagara River. We are now beginning to see the results, but there is a lot more that still has to be done.

The Speaker: I see three conversations going on over here. I am just afraid to ask any other member to ask questions.

TEACHERS' SUPERANNUATION

Mr Morin-Strom: I have a question for the Minister of Education with respect to Bill 66, the Teachers' Pension Act.

The Speaker: Order. Perhaps I might ask the member for Mississauga South to take her seat. There is a question being asked to the Minister of Education.

Mrs Marland: I am sorry.

Mr Morin-Strom: The Minister of Education has proclaimed for a number of months now that he is willing in this bill to negotiate the possibility of either joint control or member control over the teachers' pension plan. However, as we have come to the end of the committee consideration of this bill, the minister has made it quite clear that in fact joint control means the government has the final say on all decisions having to do with the teachers' pension plan in the province of Ontario.

Has the minister reconsidered his position that obstinate refusal to have a dispute settlement mechanism will be the stumbling block that prevents the achievement of a joint control plan for the teachers' pensions in the province?

Hon Mr Conway: I thank my good friend the member for Sault Ste Marie for both his interest and his question. I would like to take this brief moment to summarize the government's position with respect to this very important matter of pension policy.

1520

The government of Ontario has said that as far as this very good pension plan is concerned, the government is prepared to seriously consider one of three alternatives for the management of the plan. The teachers of Ontario have said throughout the piece that they are, like the government, most interested in a partnership model. But the government has indicated that we cannot accept, as part of any partnership, a mechanism for dispute resolution that involves compulsory, binding arbitration, because as the Treasurer (Mr R. F. Nixon) has said, it would be unfair to the taxpayers, who have an enormous interest and obligation in this multibillion-dollar account, to surrender the kind of responsibilities that would be involved to an outside third party.

The teachers have said they are not ready for a member-run plan at this point; the government has said that we are very interested in partnership, but not a partnership that involves final or compulsory binding arbitration as dispute resolution. Therefore, we are left at this moment with a decision to make and, on the basis of what the

teachers have said and what the government has indicated, it must be a government-sponsored plan for the moment.

INTRODUCTION OF BILL

COURTS OF JUSTICE AMENDMENT ACT, 1989

Mr Elston moved first reading of Bill 100, An Act to amend the Courts of Justice Act, 1984.

Motion agreed to.

The Speaker: The minister gave an explanation earlier.

ORDERS OF THE DAY

THIRD READING

PUBLIC SERVICE PENSION ACT, 1989

Hon Mr Ward: Mr Speaker, I believe we have a deferred vote.

The Speaker: That is correct. There is a deferred vote on the motion for third reading of Bill 36, An Act to revise the Public Service Superannuation Act. Therefore, I have no choice but to call in the members. I would remind the members that there is up to 30 minutes for this bell.

1536

The House divided on Mr Elston's motion for third reading of Bill 36, which was agreed to on the following vote:

Ayes

Ballinger, Beer, Bradley, Brown, Callahan, Campbell, Caplan, Carrothers, Chiarelli, Collins, Conway, Curling, Daigeler, Dietsch, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Furlong, Grandmaître, Hošek, Kanter, Kerrio, Keyes, Leone, Lipsett, Lupusella, MacDonald, Mancini, McClelland, McGuigan, McGuinty, McLeod, Miclash, Miller, Morin;

Nicholas, Nixon, J. B., Nixon, R. F., Offer, O'Neil, H., O'Neill, Y., Patten, Phillips, G., Polsinelli, Poole, Ramsay, Reycraft, Riddell, Ruprecht, Scott, Smith, D. W., Sola, Sorbara, Stoner, Sullivan, Velshi, Ward, Wilson, Wong.

Nays

Allen, Brandt, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Eves, Farnan, Grier, Hampton, Harris, Johnson, J. M., Johnston, R. F., Kormos, Laughren, Mackenzie, Marland, Martel, Morin-Strom, Philip, E., Pollock, Pouliot, Rae, B., Reville, Runciman, Sterling, Wildman.

Ayes 63; nays 28.

His Honour the Administrator of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT

Hon Mr Howland: Pray be seated.

The Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed a certain bill to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Clerk Assistant and Clerk of Committees: The following is the title of the bill to which Your Honour's assent is prayed:

Bill 36, An Act to revise the Public Service Superannuation Act.

Clerk of the House: In Her Majesty's name, His Honour the Administrator doth assent to this bill.

His Honour the Administrator was pleased to retire from the chamber.

STATUTES REVISION ACT, 1989

LOI DE 1989 SUR LA REFONTE DES LOIS

Mr Polsinelli moved, on behalf of Mr Scott, second reading of Bill 74, An Act to provide for the Consolidation and Revision of the Statutes of Ontario.

M. Polsinelli, au nom de M. Scott, propose la deuxième lecture du projet de loi 74, Loi prévoyant la codification et la refonte des lois de l'Ontario.

Mr Polsinelli: This bill authorizes the preparation of a consolidation and revision of the public general statutes of Ontario as they stand at the end of 1990. The only new feature of the 1990 consolidation is that it will be in a bilingual format with French and English in two columns on the same page. All existing statutes are being translated and all new statutes will be introduced in English and in French after 1991.

Mr Speaker: Any comments or questions?

Mr Philip: We are in support of the bill.

Mr Sterling: Each decade Ontario consolidates into a group of books all the statutes that have been passed over the previous 10 years and also includes all the statutes that have been passed over the history of the province, so that people who want to consult the law books to find out what the existing laws are have the opportunity to go to one source in order to find all those statutes. This will be the first time we will have

the consolidated statutes in French as well as in English and we welcome that.

However, we do have one problem with Bill 74 and Bill 75. I mentioned it when the Attorney General (Mr Scott) announced this legislation. I want to demonstrate to the members that the revised statutes of 1980, which I have obtained from behind the Speaker's chair, occupy quite a number of volumes of books, as one can see. As the members can see, there are a number of books for 1980, and with this government regulating us at an unprecedented level, many more statutes have been added in the last 10 years.

Notwithstanding that, we think it is necessary to print all the statutes in English and all the statutes in French, but the plan of this government is to require each person in the province to have a stack of books twice this high, because what this government is going to do is to print the English on one side of the page and the French on the other side.

The Deputy Speaker: Thank you. The member's time is up.

Mr Sterling: I am sorry, Mr Speaker. I did not think this was in response to the—

The Deputy Speaker: This was comments and questions, my friend.

Mr Sterling: No, I do not believe so.

The Deputy Speaker: I took over from the Speaker and this is what I have just been told, but you may continue your speech, in either of the two languages, of course.

1550

Mr Sterling: Our party's concern is only a matter of practicality. We believe that anybody in the province should be able to order a set of the Revised Statutes of Ontario, 1990, and another set of the regulations, which is equally as voluminous as this, in either English or in French, or in both languages if they should so choose. We believe it is wasteful to offer only the one option to the citizens of Ontario, and that is to have a bilingual edition. There will be some who would like that; that is fine and dandy, and we agree that should be offered. We do, however, believe that it is wrong to force a francophone lawyer, who would want only the French edition of the Revised Statutes of Ontario, to have the English edition sitting on his shelves as well. We think it is unnecessary for an anglophone lawyer in this province to have a French edition sitting on his shelves as well.

Some would argue that in law you might want to interpret a particular section, either in English or French, in order to give you the best possible

interpretation of a particular section. I would argue that very few people in this province have the skill in both of the languages in order to do that. In the normal course of business, when you are talking about these books, which are in every municipal clerk's office, most libraries, most lawyers' offices and many business offices across the province, we are not only causing an unnecessary expense for many people in this province but we are also not being environmentally sensitive to producing waste in terms of the number of trees that will be utilized in printing these bilingual volumes, which we do not think is necessary.

I want to make it absolutely clear that we are in favour of printing the Revised Statutes of Ontario and the Revised Regulations of Ontario for 1990 in both languages. All we want to do is give the citizens of Ontario the option as to what they would like to purchase for their own offices.

We oppose the government in that regard. I wait anxiously for the response of the parliamentary assistant. Will he assure members of this Legislature that you can purchase one in English, one in French, or a bilingual edition, if you so choose?

I do not want to hear from the parliamentary assistant the response he has given to me informally, that all the government is going to do to meet this problem is make the pages bigger and the print smaller. I do not find that is a very satisfactory answer. As many of us who are practising at the bar have difficulty in reading, we think the print in the editions as they are now is sufficiently small. I know the member for Niagara Falls (Mr Kerrio) thinks it should be even bigger.

We think that an insensitive approach to the introduction of francophone services, as this bill illustrates, creates unnecessary bad feeling. Therefore, I would ask the parliamentary assistant to accept my suggestion and ensure in the bill and in practice in the administration that our citizens will be given an alternative choice to this creation of extra paper.

Mr Callahan: When it comes to the consolidated statutes each year—I practise law—it always struck me that all we do is continue to create volumes of statutes. It is always very difficult. Probably the most time-consuming item for a practising lawyer is attempting to take the statutes themselves, when they are done every 10 years, and interleave them with the amendments that take place every year.

Surely today, with the technology we have and the computer opportunities we have, there has to

be a better way of doing it. If you go into any legal firm, you are going to find shelves and shelves of these things, dating as far back as the consolidated statutes go. I am wondering if there is some way through computer technology that these volumes of statutes could be kept current, either by making them loose-leaf as opposed to permanently bound or by having access to computer opportunities to be able to pull up on a screen the statute properly with all of its amendments.

Errors occur, perhaps in smaller firms, because of the research that may be done in trying to put all of these things together. I know there are things such as the Citator and other helpful hints that are put out by various legal publications. But I would hope that by the time we come to the consolidated statutes of the year 2000, or some time before that, we would have a more updated way of doing this.

This is not a criticism of how the government is doing it. I think it is to be applauded for having recognized the introduction of both official languages and having adopted that not only in fact but its spirit as well. I am in favour of that. I think that the technology of it and how it is dealt with is something that should be looked at and hopefully we can come up with a way of doing it that we can have them currently in force, so that if the average citizen particularly wants to look he can find it.

Mr Sterling: I would have hoped that the parliamentary assistant would have responded so that I would know whether or not it is going to be necessary to take further action in terms of this legislation, whether he sees fit that this bill can be amended in such a manner to ensure that the citizens of Ontario have an evenhanded choice as to what they are going to buy from the Queen's printer when these very many volumes of books are produced, so that we can do our little bit in this Legislature in an environmental sense to not produce a lot of paper that is never going to be read by either francophone or anglophone in this province.

Mr Polsinelli: The member for Carleton will know that the law requires us to translate all Ontario statutes into French, and that is the reason why this exercise is being undertaken. Given that as a factor and knowing that we have to produce the statutes in both English and French, which is the most economical and viable format for producing these texts? If you had followed the member for Carleton's suggestion—that is, producing two separate sets of volumes in the same format as the Revised Statutes of

Ontario 1980 are presently printed—we definitely would have had twice the volume and twice the amount of paper expended.

In fact, what the ministry has determined is that the most viable format for the production is as the member for Carleton has been advised; that is, the pages will be slightly larger and the print will be slightly smaller. In terms of volume, it is going to produce substantially less volume than if we had followed the member for Carleton's suggestion. The House should know that the federal statutes of Canada are printed in this format, and the statutes of two other provinces, New Brunswick and Manitoba, are printed in this format.

There is more than just the reason of volume for producing the statutes in this format. There is also the factor that these volumes, when they are sold, are sold on a cost-recovery basis. If they had been produced in both English and French texts, then assuming that the sale of the English texts in Ontario had been much greater than the French text, the cost to the anglophone lawyers would have been substantially less than the cost to the francophone lawyers who wanted to purchase the French text. We feel that this is contrary to the French Language Services Act.

I could expound on a number of other reasons as to why we feel this is the best approach to consolidating these laws, but I think it suffices to say that if we take care of the member for Carleton's concern in terms of the volume—and I assure him, as I have been assured by the ministry, that the volume will not be twice as much but in fact will be just a little bit more than the present RSO 1980—and the fact that we want to be as fair as possible to the francophone lawyers in Ontario, I think he should be happy with that response.

1600

Motion agreed to.

La motion est adoptée.

Bill ordered for third reading.

Le projet de loi devra passer à l'étape de troisième lecture.

REGULATIONS REVISION ACT, 1989

LOI DE 1989 SUR LA REFONTE DES
RÈGLEMENTS

Mr Polsinelli, on behalf of Mr Scott, moved second reading of Bill 75, An Act to provide for the Consolidation and Revision of the Regulations of Ontario.

M. Polsinelli, au nom de M. Scott, propose la deuxième lecture du projet de loi 75, Loi

prévoyant la codification et la refonte des règlements de l'Ontario.

Mr Polsinelli: This bill is a companion to Bill 74 and provides for the consolidation and revisions of the regulations of Ontario as they stand at the end of 1990. The same comments apply to this bill as apply to Bill 74.

Mr Philip: I would disagree with the parliamentary assistant. I do not see it as simply a companion bill. I think that if we look at the regulatory system, we do not have the kinds of checks and balances that we do have in a legislative system, where bills are debated and passed in Parliament.

Therefore, when it comes to regulations, we have to look at what has happened in all parliamentary jurisdictions. We are faced with what I can only describe as a crisis, namely, that public servants without adequate supervision of Parliament, are making more and more regulations that are affecting the lives of each and every individual.

If you were a small businessman and went into a parliamentary or business library and said, "I am in business X; where can I find all of the regulations that affect my business?" you would not be able to find them. The powerful corporations can subscribe to services that will advise them on a regular basis of regulatory changes; they can be kept up to date with what changes are being made.

For the small businessman or for the ordinary citizen, what we see is a whole system where you can be in violation of regulations and you can be punished for that and your only argument then is that you are in ignorance of that regulation; but in fact there has been no system in this province to deal with the terrible bureaucracy and anarchy that has been created by the regulatory system. This bill does nothing to really remedy that. You have some consolidation, but essentially what this bill does is what this government has done to date so far, which is to leave it to the bureaucratic system rather than to the parliamentary system.

To the credit of Ottawa, we see at least a movement there towards parliamentary committees reviewing all regulatory statutes over a 10-year period of time and recommending sunseting action to the government where that seems appropriate to a parliamentary committee—we have a cabinet committee that will ensure that—and reviewing all regulations over a seven-year period and recommending sunseting action to the cabinet, and we have all regulatory programs being evaluated for efficiency and effectiveness once every seven years by the

office of the controller general in consultation, again, with the regulatory affairs secretariat.

What we have, at least in Ottawa, is a recognition that Parliament must come to grips with the increasing bureaucracy created by a regulatory system and that many of the regulations are not even adequately reviewed by cabinet ministers or indeed by the cabinet.

I am not going to suggest that a sunseting system is the answer to everyone's problems. We know that in some jurisdictions, such as the United States, sunseting provisions are dealt with by introducing a sunseting bill at 10 minutes to midnight on a particular evening and simply reviving every regulation that has been passed for a period of years.

To their credit, the Australians are at least trying to come to grips with the problem of the increasing bureaucracy caused by the regulatory system. One must compliment at least the people in the government of New South Wales and in other jurisdictions at the state level in Australia for trying to come to grips with the very costly procedures that we have in the regulatory system.

The standing committee on regulations and private bills issued a report that was a consensus report. There was no dissenting report even though some of us may have had some concerns about feeling that we needed to move more towards a sunseting thrust. In the interests of at least having a consensus report, we agreed with the majority of the recommendations, and therefore all members of that nonpartisan committee signed the report. We have not seen any movement by this government to date in implementing that.

This bill does not implement the recommendations of that all-party committee. Indeed, if we look at some of the issues raised by that all-party committee, it is not just a matter of economy and efficiency; it is also a matter of human rights. For one thing, with the passage of the Charter of Rights, I think we have to come to grips with the need for constant vigilance to ensure that regulations are meeting with the Charter of Rights passed by the Parliament of Canada. Of course, in this bill, the government has not given any indication of what it is going to do to give us that assurance.

There is a need for an ongoing indexing system, and in consolidating, this bill does not go as far as what has been requested by the committee. It should be possible for any business person or citizen to go in and in a computer age find out exactly what regulations affect him and his business or those things that are of concern to

him in his life or his business. That is not possible, and this government has not moved to deal with that.

The government should develop a citizens' code of regulatory fairness. If the Attorney General would turn to page 63 of the excellent report turned out by the select committee, he would see some suggestions in six points that are needed if we are going to have a regulatory system. Of course, we have to have a regulatory system in a modern world and no one suggests that we could sunset all the regulations.

I think at the very least we need an adequate system of notice and comment. It should be possible that those people who are going to be directly affected by regulations should have an opportunity to express their concerns; that members of the Legislature, be it a committee or a subcommittee, would at least have an opportunity to study, to hear and to deal with that. Ottawa has at least moved to repatriate regulations into Parliament and to democratize the system, if you want, to open it up so that people whose lives are being affected by the regulatory system can at least have some input and some comment on it. We do not see any movement by this government.

We will be supporting the bill, but we must express grave concern and disappointment that as society becomes more and more complex, as more and more people are complaining about the red tape they are facing through big government, necessitated by the complexity of society, this government has not seen fit at least to move in a direction that would be more reasonable for business people and others to deal with, that would be more efficient and that would protect the rights of those whom they are regulating.

Maybe the parliamentary assistant would like to comment on some of the concerns I have about this legislation which, as I said, we will be supporting but which is grossly inadequate. Hopefully it will be here for just a short period of time and we will have some really important legislation based on the select committee report or perhaps based on the experiences of other governments that have seen that this is an important issue to deal with.

1610

Ms Bryden: I would just like to congratulate the member for Etobicoke-Rexdale for his comments on the need for notice and comment on regulations when they come in and the need for more control over the regulations so that we do not just deal with problems after the regulations

have been in effect and have no input prior to that stage, or very little input.

I sat on the standing committee on regulations and private bills for several years and I was certainly aware that there was a great need for more control and more regulation of the regulations process. I do think that the more the bills that are going through give regulation powers to the government, the more we are moving away from a democratic legislative process to a process of government fiat on many matters which the Legislature does not get an opportunity to deal with.

So I think the legislation should be more precise in what can and cannot be done by regulations, but I think the process which this bill addresses should also be better directed to providing for legislative input and people input on regulations.

Mr J. B. Nixon: I just could not resist making a comment on the member's thoughtful speech. It is thoughtful indeed, but the problem I have, of course, is that it is nice to stand here during the course of dealing with bills and talk about the need for notice and comment on regulations and the proliferation of regulations and the need for citizenry involvement and discussion on regulations, but when it comes to question period, their leader and those members are standing up saying: "Pass a law, pass a regulation. Deal with this matter quickly. You know what the answer is." They demand immediate action.

They cannot have it both ways. If they want notice and comment and deliberative government, then that is the way it will be, and there is no need for a question period where an outraged leader of the official opposition demands immediate responses by way of regulation to any problem that arises. It is hypocritical in the extreme. We cannot govern that way, and certainly they cannot sit in the opposition and demand that government be carried on that way. It is entirely and utterly hypocritical to be appearing thoughtful on the one hand, thoughtful in their demand for consultation, and on the other hand to demand extreme, immediate action to solve all problems, by government action, by government regulation, proliferation of regulation, which is what that party really stands for when it talks about government.

Mr Kormos: Horse manure, that is what I say in response to that. I listened real careful to the comments made by my friend the member for Beaches-Woodbine, and a logical, intelligent person cannot help but agree with her. Every single person in every single community across

Ontario understands what it means to be over-regulated.

Democracy, in this Legislature, with this kind of maturity and the government's disdain for the role of an opposition? Let's cut it out.

Who is not regulated? Who is getting a free ride? We know who they are. The A and Ps and the big supermarkets, they are getting a free ride. The big landlords, they are getting a free ride. The corporate interests of this particular government which the Liberals cater to time after time, the insurance industry in Ontario, they are getting a free ride. It all depends what side you are on.

There has been the occasional effort to criticize members of the New Democratic Party by saying, "You people accept money from trade unions and you consult with leadership from working people from trade unions." I say, "Yes, and we are proud of that."

The Liberals and their government take money from big corporations and the auto insurance industry and they take their marching orders from big corporations and from the auto insurance industry. The question to be asked is, are they proud of that? Of course not, because they try to conceal it. When it comes down to the crunch, when it comes down to big corporations giving them money, they will do it through the back door so as not to get caught doing it through the front door. That is what Patti Starr is all about, that is what fridges and paint jobs are all about. We are talking about as corrupt a government as we have ever seen.

The Deputy Speaker: Order, please.

Mr Kormos: This is the pot calling the kettle black. This is somebody who is sucking and blowing at the same time. That was a shameful comment on the part of the member for York Mills, Mr Nixon.

The Deputy Speaker: Time for one more comment, if any.

Mr J. B. Nixon: Point of order, Mr Speaker, I would ask you to bring the member for Welland-Thorold to order. He is supposed to use riding names, not personal names.

The Deputy Speaker: Let's get going. The member for Windsor-Riverside has two minutes.

Mr D. S. Cooke: I will not take the entire two minutes. I found the comments of the member for Etobicoke-Rexdale to be very thoughtful. I thought the response from the member for York Mills was very typical. I hope that the tenants in his riding were listening very carefully, because obviously what the member for York Mills was

saying is that they cannot act quickly to protect tenants when it comes to changing the regulations to deal with unnecessary capital expenditures. And, of course, the member for York Mills would not want the government to act very quickly on that, because I am sure that if one examines such things as donations to his riding and to his elections, they would reflect very carefully the kinds of interests that he would be prepared to protect in this place.

We in this party think that there should be regulations changed very quickly to protect tenants because the landlords are using the Liberal legislation to blow them out of the water with huge rent increases. But I think it is very appropriate that the member for York Mills has put it on the record very clearly. He wants to protect landlords here today. We would like to see regulation changes to protect tenants so that rent control will be effective in the province of Ontario.

The Deputy Speaker: Does the member for Etobicoke-Rexdale wish to respond?

Mr Philip: Yes. I want to thank the members for their comments. I would like to address myself to the comments of the member for York Mills. I am sorry that he does not understand or does not appreciate that it is important to democratize the regulatory process. He says that New Democrats get up in the House and ask for quick action.

In many of the instances, as my colleague the member for Windsor-Riverside has pointed out, in which we require some quick action, it is because the very regulatory system has been designed in such a way that there has not been proper input and proper examination of the regulations and so we end up with the terribly bureaucratic, inoperable rent review process that does serves neither the tenants nor the landlords very well and in fact creates a huge bureaucracy that neither can understand very well and that does not work in anyone's interest.

Miss Martel: The landlords understand that well.

Mr Philip: The large corporate landlords may be able to, but then they have lawyers and accountants to go through it.

The problems that we have been addressing are the very problems that could have been resolved had there been a proper regulatory system in this province, a regulatory system which indeed was signed by a committee chaired by a member of the member for York Mills's own party. All that I was saying in my speech was, how can the government have an all-party

committee, chaired by one of its own members, and then have one of its members, like the member for York Mills, get up then and say he does not really believe in the report of that all-party committee? He does not believe in democratizing the regulatory system.

I say to the member for York Mills to go and tell the small businessmen in his riding who are being directly affected by this bureaucratic regulatory system that he does not believe in their having input when the government makes its next regulation then or when his bureaucrats make their next regulation. The member for York Mills clearly does not seem to understand the difference between legislation and regulation.

The Deputy Speaker: The member's time is up. Thank you. Do other members wish to participate in the debate? The member for Carleton.

Mr Sterling: We have had a brief discussion as to the difference between regulation and statutes. I think the public should understand that a regulation can be made without consultation with the Legislature and can be done by fiat or can be done unilaterally by the cabinet of Ontario. We are going to have a very good example of that debate put forward under Bill 62 later this afternoon when we are talking about various districts which should have French-language court services. One member will put forward a very strong argument that the government should not be able to do this without coming to the Legislative Assembly of Ontario.

I think it is important that this argument as to notice and comment with regard to regulation—in other words, when does the public have a chance to comment on a proposed regulation?—does not exist today. We heard that argument put forward by the Liberals when they were in opposition. Yet today when they sit in government, they defend the right of cabinet to make those unilaterally and without notice.

1620

To be fair, there are some regulations which do not require notice, particularly under our Industrial Standards Act, and there is a requirement to give notice. I think that practice should be expanded to a number of statutes where public input should be allowed.

A few moments ago, when we were dealing with Bill 74 dealing with the Revised Statutes of Ontario, I put on my desk a very high pile of statute books and made the argument that a citizen of Ontario should have the option of just buying a pile this high. Now the Liberals want to pile it deeper and higher and they want to make it

this high, with both hands. Now, the only reason I did not bring forward the regulations that are only different in colour but are as voluminous and would go this high was that the member for Ottawa East (Mr Grandmaître) said that he could not see me during that debate. I decided that this time I would only demonstrate it with my hands.

The answers to my questions on Bill 74 certainly do not satisfy my inquiries. What I got back from the parliamentary assistant was that all of the anglophone lawyers are going to subsidize the francophone lawyers in this new production which is being put forward. Now, if in fact there is a subsidization to take place, then that is the duty of the Legislative Assembly or the government of the day to subsidize whatever they want to do with regard to those services.

All I can say is that Bill 74 and Bill 75 are yet but another step of an insensitive approach to a very difficult problem which is festering in the province of Ontario today. Each time the government does not give a choice to the people with regard to these kinds of documents, all it does is exacerbate a very touchy situation which exists.

We have made it quite clear that our party agrees with the production of both of these volumes in English and in French but that a choice should be given to the public so that in fact shelves and shelves of library space, shelves and shelves of lawyers' offices, municipal offices, will not be filled with material which will never be read in either language. That is the truth and that is what is going to happen. This kind of approach and this kind of action has more significance than a lot of other actions which the government takes with regard to, as I say, a very, very touchy situation in the province of Ontario today, as I get call after call in my constituency office with regard to other steps which the government has taken in terms of producing material which is bilingual.

It is not necessary in this case. Why not offer an alternative, if in fact that is practical for the people of Ontario? I will go toe to toe with anybody in the ministry on the finances of producing what I have asked for.

Mr Polsinelli: Bills 74 and 75 are nonpolicy bills; that is, they do not change any government policy. They do not enact any new policy. As a matter of fact, what happens is, every 10 years the laws of this province are consolidated and we get a new set of books with the consolidated laws, and the regulations are consolidated so that we get a new set of books with the consolidated regulations. There are no changes to those laws.

They are just sort of nicely packaged for the people in the province who need access to that information and to those laws.

It is interesting that for two bills that really do not change any law, do not change any policy and do not enact any new policy, we are having so much discussion. As I stated earlier on Bill 74, the only difference in these new bills is that Bill 74 provides for the French translation of the statutes, and they will be printed side by side. It seems that all parties of this House support the French translation of the bills and all parties in this House want to see that happen. So what we have done is we have spent the last 15 or 20 minutes talking about whether we should have a big page or a small page, whether we should have two sets of volumes, one set of volumes, which is the best way of approaching it. I think I made my comments with respect to that a little bit earlier when we were dealing with Bill 74.

I appreciate the comments of the member for Etobicoke-Rexdale in talking about the regulatory process and whether or not the government and the Lieutenant Governor in this province have too much discretion in their regulatory powers. That is a policy question. That is something that can be raised in committee; that is something that can be raised in question period, and indeed, that is something that can be raised by the member for Etobicoke-Rexdale directly with the Attorney General and with this government in terms of looking at that whole policy question.

I should advise the member that in terms of accessing regulations and the availability of accessing information I have been informed that within the next couple of years, given this new, marvellous computer technology that we have, regulations will be available on compact discs and members of the public will be able to search those discs and get any relevant provisions without even having an index. He should also note that that is going to be an administrative action and will require a regulation to do that.

In terms of the general process of issuing regulations, members of the House will know that the regulatory power is as a result of the legislation that passes through this House and the regulatory power that is given by that legislation to the Lieutenant Governor.

It is interesting that we have had the debate today from the member for Etobicoke-Rexdale and from the member for Carleton, but it strikes me as a little bit ironic, because in the times that I have been sitting through the standing committees when we have been doing particular pieces

of legislation, I have rarely, if ever, heard any comments or criticism dealing with the particular regulatory powers that those particular pieces of legislation that I have had the privilege of sitting in on have given to the Lieutenant Governor. It is strange, but again it is one of those policy issues that can be raised by the members with the government in question period and in committees.

In terms of the regulatory process, once regulations are drafted, they do go to a committee of cabinet on regulations. After they are passed, they are referred to a standing committee of the House made up of all members for their examination. That is the standard process. That is the way it has been for years and that is the way it will continue until it is changed.

These bills do not purport to change that. They do not purport to add any new process, and I ask the House for the support of these bills so that the commissioners can start work in terms of the consolidation of the bills.

Motion agreed to.

La motion est adoptée.

Bill ordered for third reading.

Le projet de loi devra passer à l'étape de troisième lecture.

1630

NOTARIES AMENDMENT ACT, 1989

Mr Polsinelli, on behalf of Mr Scott, moved second reading of Bill 63, An Act to amend the Notaries Act.

Mr Polsinelli: I am pleased today to move second reading of Bill 63, the Notaries Amendment Act, 1989. The purpose of this bill is to convert this position of the official under section 2 of the Notaries Act into a public service position. At present, the official is appointed by the Lieutenant Governor in Council and serves at pleasure. It is the responsibility of this official to examine or re-examine any person, other than a lawyer, who wishes to become a notary public.

This bill is part of a general initiative of the Ministry of the Attorney General to eliminate unnecessary order-in-council appointments. While in some cases order-in-council appointments are useful in ensuring independence from ministerial control, there are certain drawbacks associated with such a method of appointment; for example, the perception that the most qualified candidates are not always appointed, problems of delays in filling positions and revising salaries and lack of ministry or other

administrative authority over an appointee's position and performance.

Concerns over problems such as these led our ministry to recommend that a number of positions be appointed under the Public Service Act rather than by order in council. The official under the Notaries Act is one such position.

Other such positions include the secretary to the Ontario Municipal Board, which was converted to civil service status pursuant to the Ontario Municipal Board Amendment Act, 1989, as well as sheriffs, court registrars and the accountant at the Supreme Court of Ontario, which were converted under the recently enacted court reform legislation, the Courts of Justice Amendment Act, 1989, and the Court Reform Statute Law Amendment Act, 1989. I urge the House to pass this bill as quickly as it can also.

Mr Philip: Do I take it from the parliamentary assistant, the member for Yorkview (Mr Polsinelli), that the appointment of the chairman of Ontario Place is not in any way affected by this, that the chairman will still be appointed by an order in council?

Mr Sterling: I would like to ask a series of questions. There are a few questions with regard to this. I read over the compendium to the act when introduced and it indicates that there are going to be several kinds of stipulations about who is appointed a notary and who is not appointed a notary. I wonder where those stipulations are going to be contained, because I know many members of this Legislature get phone calls from various individuals who want to be appointed as notaries public for the province.

The other thing I want to ask the parliamentary assistant is, why is it necessary to appoint notaries public at all at this present time? We have a particularly difficult problem in the Ottawa and eastern Ontario area. Notaries in the province of Quebec—basically, I guess, their closest equivalent on the Ontario side would be a solicitor. Therefore, we have had misunderstandings from time to time, particularly by members of the francophone community in Ontario, as to who they are walking in to see when they walk in to see a notary public. Often there is the misunderstanding that they are walking in to see somebody who has been trained in the law and are therefore sometimes perhaps given bad advice by somebody who is not properly trained for that.

Mr Kerrio: Norman, that happens with lawyers.

Mr Sterling: That has happened with the odd lawyer as well. But I do know that a number of

titles, particularly east of Ottawa in the Prescott-Russell area, are rather bad because of not having proper advice.

Mr Kormos: This appears to be a secularization of this process. Not that it is going to do away with patronage, at least not in 1989. I am wondering if the parliamentary assistant could elaborate on the mode of examination and the mode of inquiry and the type of inquiry that is made in determining which of those persons other than members of the bar become notaries public.

The Acting Speaker (Mr Breagh): I believe the time has pretty well expired. Does the parliamentary assistant wish to reply?

Mr Polsinelli: Again, I thought that this was a fairly uncontroversial bill, that both opposition parties would have jumped up and lauded the government in terms of its initiatives in reducing the number of order-in-council appointments and making this type of position a public service position.

Persons who are appointed notaries must demonstrate that their employment function requires the notarization of documents, and the notary public is needed for the public convenience in the place where the applicant resides. Generally the person who is examining notaries would operate under guidelines that are issued by the Attorney General (Mr Scott). I am not familiar with any particular statute which sets out any particular requirements to be appointed a notary public. Notaries are public officers who are entitled, for example, to attest and certify certain documents in order to ensure their authenticity in foreign jurisdictions, to administer oaths and complete and notarize forms as to the origins of imports and exports, to certify deeds and contracts and to exercise the power of a commissioner for taking affidavits for the province of Ontario. That is a bit of a mouthful.

That gives the powers of notaries, but generally they are appointed under the guidelines issued by the Attorney General. This legislation does not deal with the criteria or the qualifications that one needs to be a notary; rather, it deals with who is going to examine the notary and who is going to examine the individual who wants to become a notary. What we are saying is the person who examines the applicant should not be an order-in-council appointment; he should be a public servant who is trained in the criteria that are required to appoint the notaries.

Mr Kormos: I can tell the parliamentary assistant that we are going to support the legislation because it is a welcome secularization

of a process. But it calls out for some comment about the process itself because it does not relieve the government of some of the contradictions that are inherent in the Notaries Act as it stands, notwithstanding the amendment.

The parliamentary assistant talked about an examination procedure. I can tell members that there is not an examination procedure. If there was one, it took place so long ago that it not only precedes me, but it precedes certainly the parliamentary assistant. It remains that there is not an examination procedure and that the status of notary public remains a somewhat exclusive role in any given community. All lawyers, as most of us know, are by virtue of their position in the bar notaries public.

There is a complete absence of any controls on, for instance, the types of fees that are charged by a notary public. The parliamentary assistant knows full well that not all lawyers, but some, less scrupulous than others, are inclined to exploit their status as notaries public, are inclined, for instance, to charge fees for what is a very modest and simple service well beyond and grossly disproportionate to what the service actually consists of.

It remains that the government of the day has imposed some pretty rigid restrictions on who can and who cannot become a notary public. The secularization of the appointment does not resolve the difficulties that those restrictions create, especially in smaller communities and/or more remote communities. What happens almost inevitably is that to be a notary public you have to be identified with a service or with an office in a given community for which it can be demonstrated that a notary is required. That is above and beyond a commissioner for taking affidavits.

What is required, if the government is really serious about this direction that it is taking, is not just the change in the mode of appointment and the source of appointment, but a change in the whole approach to who is and who is not a notary public, to an approach that makes sure notaries public are available to any member of the community and, I would say, for no cost. Quite frankly, I would welcome amendments to the act that would preclude members of the bar from charging for providing their services as notaries public. That would seem to be very much overkill on the part of the legal profession and it is simply not justifiable.

It remains that so often poor people, people with perhaps limited English-language skills—I am speaking of new Canadians, people who do not enjoy what some of us do in this province,

and that is to say the luxury of fuller educations—oftentimes find themselves victimized by members of the bar who are notaries public and other persons who have acquired the status. I say “acquired the status” because the mere secularization of the appointment process is not going to rid the government of the taint of patronage that accompanies notary public appointments along with, it seems, a million others, but perhaps it is only in the tens or hundreds of thousands.

1640

This is a beginning, but it is by no stretch of the imagination the final step. This government has got a long way to go before it cleans up its act to make sure that simple services, like notaries, are available to the mainstream of our communities, not just here in Toronto but in places like Welland and Thorold and other parts of Ontario, including smaller and more remote communities.

Mr Sterling: We are going to vote in support of this bill. I must say, though, that I am a little concerned when the government transfers a responsibility where there is some discretion to a public official without having thought ahead as to exactly what the qualifications for a notary public are going to be under this act. What the government is doing is passing the discretion to somebody else, but it is not saying what in fact are going to be the outlines of what is going to happen.

Quite frankly, I expect that as a result of this there is going to be an explosion in the number of appointments of notaries public across this province, and that is really what is behind all of this legislation. I think that is going to be bad, because if the government has not thought out how it is going to make these people qualify to become notaries public, and it seems very loosey-goosey at this point in time, then there are going to be real problems with the abuse of the notary public seal and how those people might represent themselves to other communities. I mentioned the francophone community, which has a different understanding of what a notary public is than the anglophone community, and I suspect that is the case with many other ethnic and cultural groups now in our province.

While we really have no objection to this kind of move, we would have liked to have seen what would be the educational qualifications of an individual who is appointed and how in fact the discretion is going to be kept in check by the Legislature or by anybody else as to who is or who is not appointed. I think it is going to be very difficult to say no to anybody with this act passing.

Mr Polsinelli: I would like to thank both opposition parties for their support of this bill.

Motion agreed to.

Bill ordered for third reading.

COURTS OF JUSTICE AMENDMENT ACT, 1989

LOI DE 1989 MODIFIANT LA LOI DE 1984 SUR LES TRIBUNAUX JUDICIAIRES

Mr Polsinelli, on behalf of Mr Scott, moved second reading of Bill 62, An Act to amend the Courts of Justice Act, 1984.

M Polsinelli, au nom de M Scott, propose la deuxième lecture du projet de loi 62, Loi portant modification de la Loi de 1984 sur les tribunaux judiciaires.

Mr Polsinelli: Bill 62, the Courts of Justice Amendment Act, 1989, is another step in extending the rights of Ontario francophones to use their own language in their dealings with the justice system. The intent of this bill is supported by the Association of French-Speaking Jurists of Ontario and also by the Law Society of Upper Canada and the Ontario section of the Canadian Bar Association.

As of January 1987 all francophones in Ontario have had the right to trials before bilingual judges. This is now confirmed by statute as applying to all of the province. It does so by removing the qualification that such trials are available only in designated courts.

The bill also continues the right to have a trial in French before a judge and jury in an area designated in schedule 1 to the bill. The right to a jury who understands French has not yet been extended across the province because of the difficulty of empanelling such a jury in some parts of the province.

Legal proceedings usually include more activity than simply a trial. For example, motions are made to the court on points of procedure, pre-trial hearings are held and submissions may be made on the costs of the lawsuit. Bill 62 allows such proceedings to be conducted in French as well.

The final element in Bill 62 expands the right to file documents in French. At present, trial documents may be filed in court offices in French so long as they are accompanied by a translation. Bill 62 provides that pleadings and other documents written in French may be filed in designated court offices without submitting any translation. The designated areas include those most heavily populated by francophones, together with Metropolitan Toronto.

I will remind the House that this bill does not require any party to file documents in French, even when litigating against a francophone. It merely gives each party the right to have his or her own documents in his or her own choice of the two official languages.

This bill is further evidence of the commitment of the ministry and of the government to extend services to our francophone population and I urge the House to give it speedy passage.

Mr Sterling: I just have a question with regard to the problem where you have two litigants filing pleadings in the two languages, English and French. Is there any obligation on the province to translate those documents into one common language, either French or English? Has the parliamentary assistant any calculations on how this is going to increase the costs of litigation in the province?

Mr Wildman: Very briefly, I applaud the rhetoric and the intent, the stated principle, but I am very concerned about the fact that it may just be empty rhetoric if the personnel are not available, if the federal government cannot find the qualified bilingual people who are acceptable to be appointed, who can carry on proceedings in both languages.

In my area we have been designated for both languages. In terms of the provincial courts, the Attorney General has been looking for over two years for a qualified bilingual person who would be acceptable to the Ontario Judicial Council and has yet to appoint an individual. As a result, in those cases a number of accused persons have been set free because the delays that have been involved in bringing their cases to court are unacceptable and the cases would, because of the Charter of Rights, be thrown out.

It is fine for the parliamentary assistant to get up and move a piece of legislation that says we can have civil proceedings in both languages and participants can file in French as well as English without translations, but if we do not have the qualified people available to appoint to carry out these proceedings, then all it is is empty rhetoric. If the government cannot find someone to fulfil the position of a provincial judge for Algoma who is bilingual, and it is still searching after two years, what if anything does this bill mean in terms of services to francophones in Ontario?

Mr Cousens: When the honourable parliamentary assistant was commenting on the future of the bill and the extending of the rights, he said "not yet extended across the province." What is his plan then to extend this into other jurisdictions, and when?

1650

Mr Polsinelli: I would like to deal with the comments of the member for Algoma (Mr Wildman) first. I am sure he heard in my opening statement that essentially what this legislation does is that it extends the right to francophone lawyers to file their documents in one of the two official languages of Canada, French. In terms of the right to trial by a francophone judge or a judge who understands French, that has been in existence since 1987. In terms of the right to have a trial before a judge and jury in French, that has only been allowed in designated areas because of the difficulty of empanelling such a jury in some parts of the province.

In terms of the comments of the member for Carleton (Mr Sterling) on the obligations of the government in terms of translation should someone file documents in French, I would pose to him the reciprocal of that. If a francophone lawyer were to receive documents that had been filed in English, should there be an obligation on the government to translate them into French? We have proceeded on the principle of equality in this, that essentially each one has to take care of his own costs and the government will not be interfering in terms of translating documents from one language into the other.

Mr Kormos: I will be brief. First, when this bill was presented on first reading and some comments were made about it, we indicated that we support the legislation.

Second, one cannot help but heed the comments made by my friend the member for Algoma and the concerns, which are very legitimate concerns, about the availability of French-speaking members of the bench, appreciating—and the member for Algoma certainly did in his comments—that at the district court or county court level or at the Supreme Court level they are federal appointments.

The provincial experience, though, is no better. That is to say, at the provincial level, and I am speaking of the provincial court (criminal division), the province has but a handful of francophone criminal judges. I would be pleased to hear of francophone judges who are available who are sitting as small claims court or civil division provincial court judges to give effect to this legislation and, more important, the spirit of it.

Down in Welland-Thorold, we are blessed not only with an outstanding bench but a bench which includes at both the provincial court level and at the district court level francophone judges. The same experience, though, cannot be enjoyed

by the rest of the province. Until that is given some very specific attention, the spirit of this legislation is going to be very specifically overlooked.

One of the other concerns that was raised at the time of first reading and when I spoke on behalf of the New Democrats with response to this bill, as I say, at the time of first reading—and I am confident that there is not a single person in Ontario who opposes the spirit of this legislation. There is not a single thinking person in Ontario who would deny a French-speaking Ontarian the right to file court documents in his or her own language, the French language.

There is some legitimate concern on the part of some people—and nobody expects to be involved in litigation, but it has been raised and to deny it would be naïve—about the increased costs that would be borne by a litigant who is confronted with a French-language document.

It is clear not only in the bill but in the explanation given by the parliamentary assistant that the fact a trial, for instance, is commenced with a French-language document does not mean that the respondent, the other party, has to reply or respond with French-language documents.

In the first instance, that looks like it is a fine thing, but what it does and what it can create is an incredibly fascinating linguistic hybrid of documents. It would be incumbent upon any counsel acting for a party, any lawyer, to ensure that he or she had clear and accurate, and basically certifiably accurate translations of any documents that were filed in a language that was not the language of his or her client.

That means that there are going to be extra costs incurred, just as in the land registry system when, let's say, an anglophone lawyer is searching title on a piece of property registered against which there is a French language document. For that lawyer to have discharged his or her duties properly means that that lawyer has to express an opinion as to the impact or effect of that document, and in many cases—not all cases, and perhaps not even most, but in many cases—that is going to mean the increased cost of a translation.

I would say but this in response to that—and again, that is a real concern. That is not a concern necessarily raised by bigots, because it remains that the French-speaking person who is confronted by an English document in a course of civil proceeding is similarly put to the difficulty and expense of a translation before he or she and his or her counsel can make valid decisions or valid judgements about how to proceed next.

What I am suggesting is that it is incumbent upon the government, when the government embarks on this course, to help pave the way, to make sure that the costs are minimalized, to make sure that the increased expense that is anticipated legitimately is kept to a minimum.

It can do that in a variety of ways. It can do that first by ensuring that there are bilingual staff available in those communities where these rights are to be exercised.

The government might respond and say, "That is easily done." It remains that in the Windsor land registry office they may have resolved the difficulty now, but a bilingual office was one which did not have a francophone in it to make comment on documents that were being tendered for registry against property. I know that some of those documents were conveyed by facsimile to Welland so that the bilingual personnel, the bilingual staff in Welland, could comment on these documents and send them back. The presence of bilingual staff is obviously necessary before this can be given effect to.

The availability of a translation, and I say this, the availability of a government-provided translation, at least on an interim basis, at least during a transition basis, one which can complement the staff available in district court or registrars' offices, would go a long way to allaying the fears that are felt by some members of the community about the impact of this legislation, not on their cultural lives but on their pecuniary lives, on the costs that would be incurred.

I would ask the government to consider, not only in the incidence of court offices but in the incidence of land registry offices, to think about ways of making the transition and the implementation of this legislation and the spirit of this legislation easier for those people who are confronted by it.

Mr Sterling: I just want to indicate that our party does support this legislation. We do have some concerns about the powers given to the Lieutenant Governor in Council, in other words, the cabinet, to make regulations unilaterally under this act.

As we have discussed in previous legislation, it is an extremely sensitive area. It is hard, as the member for Welland-Thorold put it, very difficult, to argue against the principles involved in this bill. There is some concern about the expense, knowing that when two people are suing each other they are not trying to be kind to each other, they are trying to make it as difficult as possible for the other side to carry on. This does put forward the prospect, the possibility of

one or the other of the parties filing pleadings in another language in order just to make the pleadings and the proceedings more expensive for the other party. That is a concern of ours.

As I mentioned, we do support this legislation.

1700

Mr Cousens: I would like to add some comments on Bill 62, An Act to amend the Courts of Justice Act. I think there are two parts to what I would like to say.

The first part has to do with the bilingual areas that are being established in this bill and speak in support of the establishment of those bilingual juries and the bilingual documents. What I see here is the extension of the services under Bill 8. Bill 8, the French Language Services Act of 1986, really allowed this province to entrench certain services in certain areas in which more than 10 per cent of the population was francophone. In order to reach those people and to provide the services that are their right, this again is a further extension of those services in those areas.

I believe in looking at the Statistics Canada data that the counties of Essex, Prescott and Russell, Renfrew, Stormont, Dundas and Glengarry, the judicial districts of Niagara South, Ottawa-Carleton, and York-York is funny, because when you think of York you might think of York region; York is really the Metropolitan Toronto jurisdiction—and then the territorial districts of Algoma, Cochrane, Nipissing, Subury, Timiskaming, all these areas are covered under this bill and would therefore be a natural extension, an evolution of the services that were accorded to these areas under Bill 8.

I want to go on record as supporting that. I think there is a sense within the francophone community that at the present time these services are not available and therefore it does leave them short of the kind of service in language that is very important to them and fundamental to their needs, especially in a court proceeding.

The second part of the bill, though, is where I will have an amendment, and we will ask that we go to committee of the whole to review my amendment. The amendment has to do with the question that I asked the parliamentary assistant after he introduced the bill. When he was making his introduction to the bill he alluded to it and I would say that it is a concern that really has to be addressed by this House. It has to do with the power that is going to be given by cabinet to make future areas bilingual courts.

I just want to give the context in which I am making my concerns known. In section 9 of Bill 62, it says,

"The Lieutenant Governor in Council may make regulations,

"(a) prescribing procedures for the purpose of this section;

"(b) adding counties or districts to schedules 1 or 2."

My concern is that the Lieutenant Governor in Council may add counties or districts to schedules 1 and 2. All that point really means is that here in this Legislature, we today are able to declare certain areas as having bilingual juries, bilingual documents, bilingual courts, but the future decisions that could be made to make other courts bilingual in the province will not be made in this Legislature, they will be made instead by the Lieutenant Governor in Council.

That is the concern that I have. It is a very subtle yet very important concern that registers my distrust of the Premier (Mr Peterson) and his cabinet to do in cabinet what I think they should do openly and publicly in the Legislature.

What could happen if this bill is passed as it is is that I could read in a Gazette some day that the Lieutenant Governor in Council has now approved certain other areas to be made bilingual in the courts. That has to do with the role of the Legislature; it has to do with the practical necessity that here in this House is where the decisions should be made that have to do with services that relate to the people in the province. For us here in this Legislature—and I do wish the parliamentary assistant would be listening to what I have to say, because I am hoping that he will be able to support my amendment that would take away that power of the Lieutenant Governor in Council to make those decisions, but I have no control over that.

I will put my points on the record. I have the support of my caucus for the amendment that I am about to propose to the Legislature when we get to committee, and yet I think it touches upon one of those fundamental rights that we have here in the Legislature to make those decisions.

I asked the parliamentary assistant, after he had made his opening remarks, why it is he said, "These courts will not yet be extended across the province." I asked him specifically: "When will they be? At what time will this government have on its agenda to make other courts officially bilingual?" He did not answer that question. Whether he chose not to answer it or he forgot to answer it, the fact is that he did not address that very important question. That is the question I will satisfy by this amendment, which will mean that the government of its own accord, in council, in secret, by itself, will not be able to go

along and declare other areas as having those services.

I do not think there is any doubt where the Premier wants to take this province. I have quoted from the Premier on 5 July 1985 in answer to a question by the then member for Ottawa West, Mr Baetz, who asked the Premier with regard to this whole question about bilingualism. The Premier said, and I quote again from Hansard of 5 July 1985, "I said publicly some years ago that at some time I would like to see this province officially bilingual."

My concern is that if we give the right to the Premier to make this province officially bilingual, we are taking one giant step in that direction by giving the cabinet that power to do it through this section of the bill. If we are able to strike this section out of the bill, it removes the possibility that he will take a large step towards bilingualism by virtue of having removed the right of the Premier and his cabinet to make that decision.

I have to emphasize that there are a number of examples in this House where we in our caucus have fought very, very hard to try to keep the government from having more and more power. When you have that power in the form of regulations that the government can make rather, than in statutes which are passed by the Legislature, then it allows a certain form of decision-making to take place that is not publicly accountable. What happens, and I well know that when those decisions are made—

The Acting Speaker (Mr Cureatz): Order, please. I would like to bring to all members' attention that there seem to be a lot of conversations and it is becoming distracting for the chair who is attempting to try to listen to the debate. We would like all honourable members to please allow the honourable member the opportunity to be heard. Thank you.

Mr Cousens: There were two particular instances recently in which our caucus tried to hold back powers from the government. To me, my request of the government to back off on having the power to make any future jurisdictions officially bilingual is in the same context as when our caucus made an effort to persuade the government to do otherwise.

One was the Mining Amendment Act, Bill 71. I am just looking for the date of the official Hansard. On 27 November our House leader, who was carrying this bill for us, was able to articulate at some length the concerns of our caucus. I want to quote what the member for Nipissing (Mr Harris) said, "We have concerns about the amount that is now going to be removed

from the legislation and put into regulation," and he went on to explain that difference.

Many people who are watching the actions of this House do not fully understand the point I am trying to make, I am sure, but here is an example in a particular bill where power was being taken out of legislation and given to the minister and to the Lieutenant Governor in Council. The moment you do that, it ceases to make this place meaningful. It ceases to make the Legislature the place of accountability for all politicians. It means that an order in cabinet is sufficient to handle things. It means that a regulation that is devised and approved by a minister is sufficient to handle things.

What I am concerned about is that a similar kind of ruling or decision by the government on an important issue such as this, which gives it the power to extend and expand French-language courts and bilingual courts across the province into all areas, is a further example of the government having more power than it should have in order in council.

Another example we have debated just within the last month, and our caucus strongly and vociferously tried to fight, is the Independent Health Facilities Act. That is an example where the minister's powers are extreme. We in the Legislature have no appeal of her decision. Anyone who wants to get a licence for certain operations has to go through another process that is under the auspices and power of the minister herself.

1710

A doctor, under this new legislation, can no longer set up a clinic. It is now totally and exclusively up to the minister whether she calls for proposals and whose proposals she accepts. There is no understanding of the market demand on it. The district health councils have no authority. We in our caucus said then and I say again now that it is an abuse of authority. It is taking power away from the Legislative Assembly that should reside here in the hands of all elected members and not in the hands of a few who run the inner workings of the government.

Public accountability is absolutely essential on important legislative matters. We have a sense of responsibility to those who elect us to make sure that we are protecting all their rights. I am convinced, I am persuaded, that we have a responsibility to provide services for francophones across our province, but I am convinced there are problems that exist now under Bill 8. Bill 8, the French Language Services Act, recently had a minority report that was submitted

by a number of members from our own caucus who are increasingly concerned about the way this bill is being handled and enacted.

By the way, there is a clause at the end of this bill that is similar to the one that is in the one I am trying to fight right now, which would continue to give expanded powers to cabinet to make changes at its own discretion. Although I cannot find it while I am standing here now, it is there and it is that very kind of power that was the source of concern and complaint in this minority report that was tabled by our own members who were on the standing committee on government agencies. In their report on French-language services, they are concerned about the abuse and misuse of power by the government. An awful lot of people in the province may be very thrilled at the way language services are being expanded, but they are being expanded in secret, in camera and without public dialogue and debate by members of this Legislature.

I would like to put on the record some of the points they made when they made their minority report. The fact that it is a minority report indicates that here in this House there are 17 Progressive Conservatives. I would think that of the remaining 113 members of the House, they would be on the other side of the ledger on this.

Hon Mr Sweeney: I only see one Conservative over there.

Mr Cousens: That is right. My honourable friend the member for Kitchener-Wilmot (Mr Sweeney) only sees one Conservative, and maybe that is also an issue. We need more of them and I hope in the next election we will see an awful lot more here. The fact of the matter is that this very issue might bring many more of them to this House than the member thinks.

Some of the points that were raised in the minority report had to do with the opportunities for unilingual anglophones that are being lost and the significant and growing cost of providing services that appear to many to meet no real need. I think the point they made as well:

"Progressive Conservative governments have been responsible for many of the services now available to francophones. These include the translation of Ontario statutes, the creation of the Council of Franco-Ontarian Affairs as a government advisory body, the establishment of the office of the government co-ordinator of French-language services, the use of French in the Legislature and the courts, the opening of bilingual civil service positions and the establishment of the right of every francophone child to have an education in French."

That kind of leadership had been present before this government, but their concern goes on that there is an increasingly widespread perception that the implementation of the French Language Services Act is prejudicial. They said:

"Unless action is taken on the part of government to clear up the present misperceptions about the act, the usefulness of such legislation will be obscured by heightened tensions between franco- and anglo-Ontarians. It has been and continues to be the consistent policy of the PC Party that a select committee of the Legislature should be formed in order to review the implementation of the French Language Services Act to ensure that the designation of services to be provided in French, the criteria for designating bilingual positions and the policy towards bilingualism in government offices is consistent, realistic, effective and is not prejudicial to current or future employees."

Underlying the concerns that were expressed in this minority report is a very deep and fundamental concern that the actions that have been taken by the government are not necessarily always consistent with the will and wishes of the Legislature. The government has the power under the existing legislation, and yet there is a growing feeling that this power does not necessarily reflect the interests and the desires of many, many people in the province.

In order to handle that, by establishing a select committee that could look at this subject on a continuing and ongoing basis, there would be a sense in which we could gather the consensus between opposing views, and all those views would be tabled and understood and there would be an ongoing dialogue between English and French and other cultural groups that make up our province.

I think what we have to do is to fully understand the desire on the part of Ontarians to show respect and understanding and compassion for all people who make up our province, but also to put it into the balance of the time as to when we should do it whether or not a certain action is in the interests of all.

I would like to go on record as saying it is only fair that the issue of French-language rights has been an integral part of our province's social and political evolution. It has aroused deep emotions and divisions in the province, straining English and French relations at both the provincial and federal levels. Yet despite this constant potential for divisiveness, progress has been made in public attitudes, government policy and legislation. One might be tempted to say that the issue

has come full circle, for it can be well imagined that the present government policy of support for French language rights has evolved in a natural and good way from previous policies of previous governments that—

Mr Daigeler: Not through you, Don.

Mr Cousens: If the honourable member wants to speak in the debate, I would ask him to stand up and speak. If the member for Nepean (Mr Daigeler) has comments. I am not finding this the easiest speech I ever had to make. I see it as one of the most sensitive I have ever had to make as a politician. It is very easy to have interjections and comments. A member can be very eloquent sitting down when he does not stand up and speak to it. If he has got something to say, I would challenge the honourable member to stand up in his place at the appropriate time and make his comments then so that they can go on Hansard and everybody else can know where he stands. I happen to have the courage of my convictions to do that today. I believe in what I am doing from a very deep sense of compassion for all sides of the issue.

Mr Daigeler: If you would give other members a chance, I would.

Mr Cousens: I will give the honourable member for Nepean a chance and I will look forward to hearing whatever he has to say, knowing that it would be something I would pay close attention to.

I have to go on record as saying that when we look at our history and when we look at our country, I think we have to understand that Ontario always has been a multicultural province. As we look back in the history of this province, we have had people from many parts of the world, not unlike now, but in those days it was people coming from Europe, the United States and other different parts of the world, but now what we see is a tremendous cosmopolitan picture taking place.

The multicultural fabric and mosaic that makes up my riding is not atypical to what is happening across the province as a whole. I think of Milliken Mills High School in my community where at least 52 different languages are represented from the different nationalities that are present in that one school of about 1,200 students. I have an elementary school in Milliken where there are 48 different languages spoken. When you start looking at the blend and the mixture, everyone is benefiting from the cross-section that is beginning to take place.

What I point to is the fact that if the government is given the authority to expand

French-language services right across the province, one of the areas where it might choose to do so could well be an area that is my own. York region presently does not have a great number of francophone Canadians or people who speak that language. We do happen to have in York region the minister responsible for francophone affairs, my good friend the member for York North (Mr Beer), who is responsible for that area. Yet if you look at York region and at the power this present bill would give the government, the government would have the authority under this section of the bill to add counties or districts to the schedule of those areas that could be officially bilingual and to provide those services.

1720

I would take strong exception if the minister or the Lieutenant Governor in Council were to decide to make York region courts officially bilingual. In fact, when I first read the bill, I must admit that I saw "York," and I had to find out, through legal people, when you look at the judicial area of York, that it really pertains to Metropolitan Toronto, which under Bill 8 has been declared a French-language area; so that Metropolitan Toronto really has already been agreed to as one of those areas that can have French-language services.

Under this bill, the government would have the authority to come along and make the court in Newmarket bilingual; if that were to happen, what I would have to say is that we have more other languages present in York region than we have French. This is true of the census. When you look at the census—and I am dealing with the data from the 1986 census—they are talking about, in York region, over 12,800 Italians and 5,145 Chinese, both of which are a larger number than the 1,245 francophones in York region. We have more Greeks in York region than we have francophones.

What we are really saying here is that it would not be right for the government to come along and make York region a bilingual court any more than it would be right to make other courts bilingual that are not already designated, because of the concentration of francophones in those areas in which we recognize, in supporting the intent of this bill, that they should have those rights and services.

Let us take the logical extension of two or three points. The Premier has said that he would like to make the province bilingual, and the fact is that he would now have the power to do that within the court system. That is more power than I would like to see existing in the Lieutenant

Governor in Council. I think we have to have a tremendous amount of respect for what goes on in the courts and, as I look at what is happening in the courts, we see how French language rights have been expanded and supported under the Judicature Act of 1980 from the House of Commons, and we have seen how there are ways in which the French-language services are being provided for.

I have to come back and say that, for us to do that totally and completely across Ontario is not only premature, but it is not called for and I see it as something that the people of the province would seriously question. I think it could become an issue where, if you were to have a referendum in Ontario and ask whether or not we would want to have this power in the hands of the Premier and the Lieutenant Governor in Council, the results from across the province would largely support the position I am taking.

The people would not want to see that happen. They would not want to see that extra power in the hands of the Premier and cabinet, and they would not want to see the cabinet use that power to expand French-language services across the entire province, to make all the courts bilingual. That is what is at stake in passing this bill without the amendment that I am going to propose when we go into committee.

I think there can never be enough sensitivity to meet and understand the needs of all the people in Ontario. I know there was a previous instance when I spoke in this Legislature with regard to the use of French by the Chair and many people misinterpreted my position then. I know that in talking on this bill, as I have today, I am also taking a tremendous chance that people might misinterpret what I am saying.

I have not before agonized as much as I have over this bill. I do it from a sense of conscience and a sense of belief. I do it from a sense in which I strongly support the expansion of French-language services in the courts as delineated in schedule 1 and schedule 2 of Bill 62, which we are debating.

To take it further and to give that power to a Premier who is on record as saying he wants to make the province officially bilingual at some point is far beyond the power that I want to give the Premier and the Liberal cabinet. I would be extremely satisfied and pleased if the parliamentary assistant, the member for Yorkview (Mr Polsinelli), in his response and before this goes for a vote could give me a number of concessions that have to do with what I am trying to say here.

There has to be acceptance of the intent that I want to have—let's not see the government take its 94 seats and use them for an expansion of power in language services which in effect, if used incorrectly—in other words, if misused—would be an abuse not only of this House but of the intent that really this bill should have. This bill has an opportunity to take services a natural step forward and a natural evolution from Bill 8 and the French Language Services Act, 1986. That we can support. But to take it even further and to give that power an extra push, so that it is at the whim or the discretion of the inner cabinet, they can come along and announce it.

I see this as a step towards making Ontario officially bilingual, and that is a concern that very seriously is one that I think should be publicly debated. I think it is something that should have the whole Legislature in the debate on it. I think it is something that should involve the people of the province, so that the public is fully cognizant of what it means to be officially bilingual.

The fact of the matter is, when you look at our desire to provide French-language services where numbers warrant in those areas, I see that as totally honourable and totally good. If it turns out that another area has an influx of francophones who want to get away from Bourassa's government or from other jurisdictions, then I personally could support the expansion of certain services in those areas as well and designate them at that time in this House to provide the kind of language facilities that are important to them in their own protection of rights and freedoms.

One of the reasons I have great problems in this government's coming clean and being honest and being capable of doing the right thing is that a number of occasions have passed and in the order paper questions I, along with other members of our caucus, have submitted questions that asked the government how much it is spending on French-language services, only to get a feeling for it, only to get an understanding of the cost. We have never had answers to those questions. There are numerous other questions that I have asked which had to do with the expansion of these services to find out and determine in an open and public way just what it is costing.

I see a situation arising in which the province, because of its own agenda, could take this bill a step further than it is intended, so that those counties, judicial districts and territorial districts that are not presently determined to be providers of total bilingual accords could then happen.

I think we are talking about an issue that affects many people in the province. The last thing I want to do is be an alarmist and raise a subject that is not going to be a situation. If the government, in its own choice of times, decides it wants to add more jurisdictions, let it come back to the House to decide it. Let it not do it in camera, behind closed doors; let it do it here in the presence of all the people of the province.

There is an issue at stake. If I am dragging a red herring, so to speak, through the Legislature, I am only doing it because I believe in the power that we have as legislators to do what we are elected to do. I underline, I am not prepared to give this power to the Lieutenant Governor in Council, because that gives the Premier and his cabinet the option to make that decision whenever they want to. I believe we are doing the right thing now by allowing these judicial districts to be made bilingual. But I cannot and I will not accept that this power should be in the hands of a few people in cabinet and not in the presence of the whole Legislature.

I see the province of Ontario as being tremendously—how would you say it?—empathetic to the needs of all people. I see us, I myself and members of our caucus, tremendously concerned that the needs of francophone Ontarians are protected and represented and in some way enshrined in legislation. I do not see the government having the power to take this bill a step further, that will take it out of the serving of the needs of the francophones but making the courts throughout the province bilingual in areas where there is not a need. There may be a need perceived by the government, but not in those areas.

1730

I would also go further. The real needs have to be identified, and whatever those real needs are, they should be the ones we address. As we look to the future of our province, I hope we will always have a sense of compassion and concern for all people. I would hope that by giving some movement on the part of the government to back away on this particular amendment that I am proposing, the government will have a fresh sense of responsibility to the Legislature where it counts, to the whole population who has elected its members, and to all of us who have a responsibility to serve our constituents.

This is a matter that I do not take lightly, and I hope that in my remarks I have not said anything that could be taken as an offence by any person or minority group or francophone in Ontario. I genuinely hope that my concerns, as expressed,

are seen as ones that put the power in the hands of the Legislature rather than in the hands of the Lieutenant Governor in Council. I am just sorry that the government has tried to slip this through in a very sneaky way by having one little line in a bill that will give that extended power to the Lieutenant Governor in Council, where the cabinet can make that decision. If the decisions are made here then I have a sense in which there can be a public and full debated. If the decision is made now, when we have been given maybe half an hour to the presentations, three quarters of an hour, and then it passes in 15 minutes from now, the government uses its 94-seat majority, then let that be.

All I can say is that I have put on the record a very personal perspective, and yet one that I think represents a large number of the people of the province who do not want to see Ontario become officially bilingual, who do not want to see this government have that kind of power, who have a sense in which there can be a balance that takes place, where if there is a decision to expand these services we can debate it, discuss it here in the House, the public forum for debate. If the government wants to have some kind of public discussion, let a committee of the Legislature go out and discuss it and debate it in York region, as I talked about earlier, Brant-Haldimand, Durham, Leeds-Grenville or Cornwall, or it could go out to the whole province and say, "Do you want to have the chance of that happening?" When the government wants to do that, it will have used the power correctly.

In the meantime, I am on record. I have made my point. I have made it, hopefully, with the balance that should go into debates of this nature, where we have to really have an understanding of the sensitivity of different points of view. I know the member for Nepean was making a number of statements as I was speaking and he, I think, misjudges and misunderstands the context in which I am making this presentation. The last thing I want to do is to be painted as a biased person who has no sense of compassion for all people.

I do not trust the Liberals. I do not think they will use this power as they should. I sincerely and genuinely hope that the parliamentary assistant will come along and agree to the amendment I am going to table—I know he has a copy of it—and should that be the case this will show that we are taking advantage of the expansion of services that are agreed upon under Bill 8 but we are also limiting the power of government so that this power will not be misused in the wrong way.

I know some people in eastern Europe are looking to have an impact on democracy. They are now in a position where, through their public protests and their statements, government is opening up and they are having a public opportunity. I would say, let that opportunity continue to reside in this, the Legislative Assembly, and not in the hands of the cabinet of this province.

I trust that my point has been made. I am concerned. I hope that the government will have an openness of mind and spirit to what it is I am asking for.

Mr Grandmaitre: I appreciate the member's comments and I appreciate his concerns, but I want to remind him that this government in introducing Bill 8—

Mr Ballinger: En français.

Mr Grandmaitre: Yes, I will, especially Bill 8. What this government did was simply use the same 22 designated areas as the former government did and we implemented these services, or we are implementing these services, and there is no way in Bill 8 or in any bill that we talk about official bilingualism in Ontario, no way that we mention or use the word "bilingualism" in Ontario. I am surprised and I am sorry that the member for Markham uses the word "bilingualism" and really confuses not only his constituents but constituents right across the province of Ontario.

Je veux simplement souligner que j'apprécie les commentaires et les soucis de mon collègue de Markham (M. Cousens). Par contre, je dois lui rafraîchir la mémoire en disant que le gouvernement de l'Ontario n'a jamais mentionné la possibilité d'un Ontario bilingue pour 1989.

Alors, j'espère que mon collègue de Markham va continuer à faire confiance au gouvernement, qu'il va respecter la Loi 8 et donner aux francophones les services qui sont mentionnés dans la Loi 8 ; c'est là le but premier et primordial du gouvernement. Dans 20 ans ou dans 30 ans, lorsqu'on aura quitté Queen's Park, on se parlera du bilinguisme en Ontario.

Mr Cousens: I thank my friend the member for Ottawa East for his remarks. If he had been here for my full presentation—I support the designated areas as they have decided here, and in looking at the history of them and how they were established, I accept the fact that those areas were already areas in which the previous government was trying to provide services where those numbers warranted. Those areas have the numbers and they do warrant it. So please

understand, I am anxious to see these services advanced and supported.

I guess the problem you have, Mr Speaker, and the member for Ottawa East, is, how do you talk about this subject without bringing in the term of the two major languages which are part of the discussion? The bill itself brings in bilingual juries, bilingual documents. The bill itself brings in the whole idea of bilingual judges, bilingual officers. So the bill itself is the source of my information in talking about the bilingual nature of the bill, and to come along and call it by some other name—a spade is a shovel or a spade is a spade. All I am trying to do is call a spade a shovel when I am describing this bill.

I see it as no part of mine in opposing those areas that have been designated. I am concerned and I ask the honourable member to just look at the power that would come to the Lieutenant Governor in Council, where they can add counties or districts that would have the French-language services as per the ones that are listed in schedules 1 and 2.

That is the source of my concern. I do not want to see that power in the hands of the government. I want to see it back here in the Legislature, where the member and I and the public at large can debate those issues at that time. In the meantime, let's get on with it. We have enough to do here now. I do not like surprises; I never have. Maybe Santa will have the odd surprise for me, but I do not want the Premier to come along with a surprise and suddenly say, "We have decided that this area will now have this service."

Mr Polsinelli: Most of what this bill does is it recognizes what has already been happening in the province of Ontario in terms of the administration of justice and is a statutory confirmation of that.

1740

What it does new is that it extends the right to lawyers in Ontario in eight areas of this province to file their court documents in either of this country's official languages. That is what it does new. It gives the government the power to extend those districts as services become available and as and when the government decides that it is appropriate to extend the districts. Quite frankly, I am surprised that the member for Markham can speak for 40 minutes on that very narrow point of a very narrow bill.

The Acting Speaker (Mr Breaugh): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

HIGHWAY TRAFFIC AMENDMENT ACT, 1989

Consideration of Bill 95, An Act to amend the Highway Traffic Act.

The Chair: At this moment I would like to list all questions, comments and proposed amendments to different sections. I would just like to list the sections. So far, I have received an amendment to add a section following section 12, section 12a, from the third party, the member for London North (Mrs Cunningham). Do other members have any other sections that they would like to have looked at?

No? Is that it? Therefore, in that case, shall sections 1 to 12 carry?

Interjection.

The Chair: I am sorry, you are quite correct. I think the member for London North wanted to address section 12.

Mr Philip: I wanted to address section 4, and I do not suspect that the minister will agree with my comments, but at least I think that some mention should be made of it. Section 4—

The Chair: Hold on, please, before you start. That is why in the beginning I always like to ask, and I would have appreciated it if you had told me that, but since you want to talk on section 4, then before we start doing that, are there any more? I have somebody who has requested to speak on section 4, on section 12, add a new section 12a. Any other sections, before we start dealing with these?

Sections 1 to 3, inclusive, agreed to.

Section 4:

Mr Philip: I do not have an amendment to this, but I would like, at least, to put some comments on the record concerning section 4, because section 4 requires that the operators of commercial vehicles be covered by liability insurance. No one can object to that. However, one would be remiss if one did not point out that it is the very inaction of this government in relation to how the auto insurance companies operate in this province that are forcing or encouraging a number of commercial carriers to in fact violate the law in this regard.

We have seen instances where, for example, one tow truck driver came to me. His insurance for equivalent insurance in Manitoba would have been \$47,000. Here it was over \$200,000. We have seen that the ineptitude of this government in coming to grips with the problem of escalating automobile and vehicle insurance is one of the main contributors to people faced with a problem of paying the bills and going without any kind of insurance at all. While we cannot condone such action, one can at least understand that this government is contributing to such action by its own inability to deal with the problem of the escalating cost of insurance.

Furthermore, we know that the government has introduced another bill on insurance which, in the context of this so-called safety legislation, in fact violates the thrust of safety. Indeed, if we look at the comments of John Bates, who for years was the editor of *Bus and Truck* magazine and who now, wearing another hat of many groups that are concerned about the carnage on our roads through a lack of safety and, indeed, through an excessive contribution that alcohol makes to that problem of safety, a man very knowledgeable in transportation—we see his association saying that the government has introduced insurance legislation that is actually going to increase accidents.

So we have the irony then that here we have a government that is introducing legislation to make it tougher on commercial vehicles in terms of carrying insurance while at the same time not doing anything about the very major contributing causes to their not carrying insurance in the first place.

We also see the problem that the trucking companies are being faced with, thanks to the deregulation of trucking in the province. We have seen what deregulation means in the United States, both in the airline industry and, indeed, in the trucking industry. We see that deregulation means lack of safety. We see that some companies, thanks to deregulation, are not able to pay the bottom line and therefore are likely to cut back in terms of maintenance, as well as in terms of payment to their employees and, indeed, in terms of capital expenditures of buying adequate equipment because they simply cannot predict what will happen next year or the year after, thanks to the deregulatory process that was initiated, first, by the federal Liberal government, then made into a religion by the succeeding federal Conservative government as part of its total free trade policy and now thanks to this government, headed by a Premier who promised

that he would stop free trade if he got his majority. He introduced deregulation trucking legislation, continentalist legislation, free trade legislation by any standards, that can only contribute to lack of safety, increased accidents on the road.

Now we have the same government saying, "Well, we will introduce safety legislation, because after all, if we are going to have companies that have to take risks in terms of safety of their vehicles, we at least want to make sure that they have adequate insurance so that somehow the people who suffer carnage as a result of this are going to be compensated."

While section 4 makes sense in a total context, it can be seen as absolute hypocrisy in the light of this government's action in terms of deregulation, in terms of raising the costs of insurance, in terms of not keeping its promise of the last election to lower insurance and indeed in terms of its pro-free trade policies that were seen in previous legislation introduced by this same ministry.

The Chair: Any more questions and comments on section 4? If not, shall section 4 carry? Carried.

Section 4 agreed to.

Section 5:

Mr Cousens: I just find it interesting that section 5, as I read it, is to correct the mistake where the government had introduced previous legislation. It was so incomprehensible, so complicated, so unworkable that now they have to correct it. We are pleased to support the government's effort at correcting its own mistakes.

Section 5 agreed to.

1750

The Chair: Before I try sections 6 to 11, will anybody announce to me right now that he will want to comment on sections 6 to 11? No.

Mr Philip: It is more spontaneous.

The Chair: That is why at the beginning we ask to list.

Sections 6 to 11, inclusive, agreed to.

Section 12:

Mrs Cunningham: I would like to take this opportunity to speak to the inadequacies of section 12 in Bill 95. To be specific, I think we have a wonderful opportunity here to take a look at the safety on our streets, and unfortunately on our highways as well, not only when it comes to people riding motorcycles, which is section 88 of the legislation, but when it comes to citizens of

Ontario, young people and older people, riding bicycles. I had hoped that at this point we would have had from this government some type of inclusion in Bill 95 to cover the problem of people meeting with tremendous accident rates and coming to some kind of conclusions around legislating that we insist that members of the public of Ontario wear helmets when they are riding bicycles.

I speak very strongly on this point. I think that because of the statistics, as we see them today and certainly in the past and even more so in the future as we see a trend towards more bicycle riding in the province of Ontario and across North America, we know now that between three million and seven million Canadians ride bicycles, to some degree, every day of the year in Canada. We also know that 14 per cent of all paediatric injury deaths in Ontario from 1985 to 1987 were attributed to bicycle accidents.

Virtually all these deaths resulted from head injuries. I really would urge this government to move very quickly to include as part of the amendments to the Highway Traffic Act the requirement that citizens of Ontario wear helmets. We are told that 75 per cent of annual deaths from bicycle accidents are due to head injuries. We know that a recent study in the United States found that riders who wore helmets had an 85 per cent reduction in their risk of head injury.

Why should I be so concerned? Not only as a parent and as a person who has been involved in school systems across this province as we try to advise our young people about accident risks, and hats off to the Ontario Head Injury Association, which has done its share of making the public aware of the tragedies that are associated with these kinds of accidents. It has come out with pamphlets, one entitled *A Consumer's Guide to Bicycle Helmets*.

I would advise the members of the government that it is true we do not have a Canadian standard, but there are American standards that have been approved, and they are found in the stores across Ontario. There is a little pamphlet called *How Do I Choose A Bike Helmet?* For those parents who are interested in what we would consider responsible prevention of head injury and possible death—certainly adults know about these things, but children have to be encouraged—there is a pamphlet that tells you exactly what you should be looking for and the sticker that you would find inside the helmet. We know that the American national standards helmets are available across Ontario and I would urge the

government to develop our own so that we feel much more comfortable with that.

Some more statistics and then I will close: I really think when we start seeing as a lead article in the *New England Journal of Medicine* in May 1989—and I think most of my colleagues in the House know of the importance of that particular publication—that wearing a cycling helmet reduced a risk of head injury by 75 per cent, we should be looking very seriously at legislation. They concluded, and I will quote for my colleagues: "Bicycle helmets are highly effective in preventing head injury. Helmets are particularly important for children since they suffer the majority of serious head injuries from bicycling accidents."

The journal found that the use of helmets is associated with a 75 per cent decrease in the risk of head injury and an 85 per cent decrease in the risk of brain injury in cyclists. As cycling becomes more popular, and we all hope it will, head injury from cycling accidents is expected to rise. We know from the research and from the literature, and from the hospitals that have provided us with the statistics, unfortunately from the emergency departments of hospitals, that helmets will drastically diminish the rate of head injuries due to cycling. We have seen fit to introduce this legislation or to pass legislation for people who in fact operate motorcycles, and I think it is time that we do the same for our citizens who are riding bicycles.

Mr Speaker, it would have been my pleasure to introduce a motion today, but I know that you would have ruled me out of order. I wanted to get my intent on the record, because I intend to pursue this, I hope, along with the minister. We have had some discussions and I am looking very much forward to introducing a bill in the next session of this Legislature so that we can deal with this issue. I know that the concern of the government right now is the lack of Canadian legislation around standards for helmets. We do have American-approved helmets. They are available for sale. This is the same argument that we faced when we were looking at protecting our young people with hockey helmets. I think we are revisiting the same kind of statistics. It is time now for us to get ahead of it and help our young people along in life as well as older people. No one ever thinks that will happen to them.

Mr Philip: I simply want to raise one issue with the minister, and it will take me 30 seconds to do so. That is with relation to helmets. It seems to me that in a pluralistic society we have to have a respect for the religious practices of a number

of our minority groups. I see the former Minister of Education, who is the member for Wentworth North (Mr Ward), nodding his head over there and I know that he has had to deal with the concerns of the Sikh community with regard to the wearing of the five Ks.

I would ask the Minister of Transportation if he has considered the sensitivity of this issue to members of the Sikh community, that exemptions should be considered from the requirement of wearing a helmet for those wearing turbans. This has been done in some other jurisdictions, not just under transportation legislation but under other legislation, employment legislation of various kinds. It seems to me that if we have not required the members of the Sikh community to wear helmets in war when people are shooting at them, and we are quite prepared to say how great they are in defending our liberty, then we might also consider having some concern for their liberty in the practice of their religion and their option, if they so choose, to at least exempt themselves from the helmets because it does cause some problems for them.

Hon Mr Wrye: I must say first of all that my friend the member for Etobicoke-Rexdale (Mr Philip) raises an issue which the Legislature faces from time to time in terms of trying to ensure that the maximum level of safety be afforded to our citizens and the balancing of the human rights of those in the Sikh community and others versus the desire that we have in situations where safety is a very real question to ensure that all of our citizens are as safe as possible and do not ultimately burden themselves and others through an accident which might be prevented. I can say to the honourable member that we will continue to take a look at this issue and try to move as sensitively as possible.

I am particularly taken as well by the comments by my friend the member for London North. I know she feels personally very strongly on this matter. I look forward to working with her and all members of the Legislature as we see perhaps if Ontario in the years and months, maybe a couple of years, to come can be a leader in this field as we try to develop standards that will improve safety.

Hon Mr Ward: I think we are close to wrapping up this bill, so I would seek unanimous consent to continue.

The Chair: Is there unanimous consent to wrap this up?

Agreed to.

Section 12 agreed to.

Section 13:

Mr Kormos: Very briefly, I appreciate the response that the minister had during second reading when I talked about the manner in which standards or maximums for excessive speeds are imposed, because what I raised was that there is a real distinction between going 30 kilometres over in a 50-kilometre zone and going 30 kilometres over in a 100-kilometre zone. Yet the fines themselves, and especially the guidelines for the out-of-court settlements which are applicable to most fines, do not reflect that distinction.

As I say, I appreciate the minister's interest and response to what I perceive as a real problem, especially to those people who live in residential areas with modest speed limits, when they have characters going at double the speed limit up and down the street, yet they may only in fact, in terms of what they are exceeding the limit by, be exceeding the limit by what amounts to a more modest type of penalty or a more modest range of penalty. I appreciate that it is not going to be achieved in this assault on the issue.

I am wondering whether, rather than stated kilometres per hour in excess of a posted limit, any thought has been given to using percentiles; that is to say, if one exceeds the speed limit by 20 per cent of that speed limit or 30 per cent or 40 per cent, whether that was not a preferable or a more appropriate manner in which to assess fines. I would leave it at that for this particular round. I appreciate the need to make fines more realistic and basically make up for lost time in the erosion that has occurred by way of inflation, but I am hoping that perhaps somewhere soon down the road we can look at a fining system which more accurately reflects the degree of hazard that the offence creates.

Hon Mr Wrye: I am always pleased to take under advisement the suggestions from my friend the member for Welland-Thorold and will do so in this case. I would remind him only that in some of those cases in urban centres where the speeding is quite excessive, given a very low speed limit, the other option of course accrues to the authorities, to lay charges other than speeding.

Section 13 agreed to.

Sections 14 to 24, inclusive, agreed to.

Bill, as amended, ordered to be reported.

The House recessed at 1805.

EVENING SITTING

The House resumed at 2000.

House in committee of the whole.

On motion by Mr Ward, the committee of the whole House reported one bill without amendment.

Hon Mr Ward: I do not know whether it would be appropriate at this time to suggest that perhaps the members of the Legislature would like to deal with both the 22nd and 23rd orders at once. Is that possible? I seek members' guidance on that.

Bill 94 provides for an increase in indemnities for members of the executive council at a rate of 5.5 per cent. Bill 91 increases the basic indemnities and expense allowances by 5.5 per cent as well as providing for additional indemnities for members of the Legislature who have additional duties.

The Acting Speaker (Mr Breagh): The government House leader has asked for unanimous consent to deal with two bills at the same time. Is there unanimous consent?

An hon member: No.

The Acting Speaker: No, there is not. Proceed.

EXECUTIVE COUNCIL AMENDMENT
ACT, 1989

Mr Ward moved second reading of Bill 94, An Act to amend the Executive Council Act.

Hon Mr Ward: I will be very brief. The legislation before the members today provides for an increase in indemnities for members of the executive council, that being the Premier (Mr Peterson), cabinet ministers and parliamentary assistants. The amount of the increase proposed for the current year is 5.5 per cent.

Mr D. S. Cooke: I will not speak at length on this particular bill because I think the majority of the debate should be taking place on the next bill. Suffice it to say that our caucus will not be supporting the amendment to the executive council bill.

Normally we deal with the amendment to the Legislative Assembly Act first, but I think that there are valid and extensive concerns that have been expressed over the years by our caucus on the process that is used to set wages for both the cabinet and members of the assembly, and I would like to have the opportunity to speak at

more length on those reasons when we get to the Legislative Assembly Act.

Mr Harris: I also will be brief on this particular bill. I always try very hard to avoid individuals when we deal with these types of bills that are before the House, so let me just collectively say, and then move right on, that I doubt the whole lot of them are worth an increase. However, I do want to put those thoughts behind me. I wanted to make that one comment. It is in the Christmas spirit.

I want to say, though, that when one looks at the total compensation that would be paid to a member of the executive council, quite frankly it is not at all out of line. The sacrifices that one makes in putting oneself forward and serving in the capacity as a minister of the crown are—

Mr Laughren: You are just saying that because you have been there.

Mr Harris: I have been there, and it is an onerous responsibility, believe me. I will reserve most of my comments for the next bill, but the concern I have is the differential between that job and the job of a member of the Legislative Assembly. The right differential or the right amount of money is one that I am really not in a position to judge and—

Hon Mr Ward: That might be soon.

Mr Harris: That could possibly be, and no doubt whatever remarks I am making today may be thrown back at me at some date in the future. I am very cognizant of that and am confining my remarks, as I always do, to only that which I believe in. It does get back, though, to the point of whether the Premier ought to be the one making those decisions and whether the Premier and the government through the government House leader ought to be asking us to make these decisions.

As members of the government will probably point out quite correctly, I really do not have at this particular moment in time a vested interest in anything we are dealing with in this bill. I may have under Bill 91, when it is called, but the whole process is one that I was not comfortable with as it was handled by former administrations when I was in this chamber as a backbench member from 1981 to 1985. I did not agree with how that administration of the day handled it, and I am consistent in saying I do not agree with the way this administration is handling it. I think it is something that ought to be referred to a far more

independent and less vested interest body than ourselves.

I might add one other point that I will repeat when we get to Bill 91—and I know the current House leader will agree with me—that the timing of this legislation, although over the last few years has been historically at this particular time of the year, is totally inappropriate. It is not appropriate that increases for hardworking members of the executive council—and those members who are there can judge who in fact they are and which of them are not—not be dealt with in April.

This increase is retroactive to 1 April, as it ought to be. That is the effective date of this particular raise in pay, which I think is about the rate of inflation. There is no reason why, aside from the method, a responsible administration could not deal with these in a more appropriate fashion so that we are not dealing with retroactivity.

With those few comments, I would like to indicate that my party will also oppose passage of this legislation based on those principles that I have put forward.

Mr Kerrio: Mike, why don't you refuse to take your increase?

2010

Mr Laughren: I am going to make a couple of comments about the bill and why I and my caucus are opposing this bill. Despite the comments of the member for Niagara Falls (Mr Kerrio), this caucus is opposing this bill not because we think \$31,749 is too much extra for a member of cabinet but, rather, the fact that the cabinet decides itself exactly what that amount will be, and no one else. This chamber does not decide what that amount will be. Every fairminded member of this assembly would admit that it is the cabinet, and in particular the Premier, who decides exactly how much this amount will be, as he will decide what amount ordinary members of this assembly will earn with the bill that is to follow.

I would not be opposed to this bill if there was an element of fairness in the process. In the same way, if I could make an analogy, later this evening, presumably if the order of business proceeds, we will be voting on Bill 60, An Act to amend the Income Tax Act; I would be supporting it if it was part of a package of fair tax reform. I would also be supporting this amendment to the Executive Council Act if it was part of a package of reform for remuneration for members of this assembly, but it is not. That is why I and my caucus are opposed to this.

There is absolutely no question whatsoever, and members of the third party will tell the members in the corridors of power, that when the decision comes down every year, it is the cabinet that decides, first of all, what ministers' salary is going to be and, secondly, what the salary of the members of the rest of the assembly will be. This is not a consultative process at all, not even remotely so.

For those reasons, I could not possibly vote for a bill that distorts the democratic process the way this bill does.

Mr Harris: The member for Nickel Belt alluded to members of the third party who may have been there. I think the member was inferring from our recollection and experience that members of the cabinet made this decision. Other former cabinet members may wish to comment, but I do not recall, as a member of cabinet, ever being consulted. There is one member of the executive council who decides these things, and I am sure it is the same today as it was five years ago, or 10, 15 or 20. That man—or woman, but it is a man today—resides in the Premier's office.

Mr Laughren: I agree totally, and I stand corrected in my remarks because I suspect what the member for Nipissing says is absolutely correct.

Mr J. M. Johnson: For many years I sat on the standing committee on the Legislative Assembly and on the standing committee on members' services, and we always had a presentation from the chairman of the Commission on Election Finances, Donald MacDonald in the last few years.

The commission always made a recommendation that the members receive six, seven, eight per cent, or whatever, in the spring. It was always deferred until the fall; some time in late November the government introduced a bill saying the members would receive X number of dollars in increase in pay. We received press coverage in the spring for the increase, we received press coverage in November or December, when the bill was introduced, and then, towards the last few days of December, it was a Christmas gift for the MPPs.

It is insulting. It is retroactive to 1 April. Why can the government not introduce the legislation in the early part of the spring, in April, May or June, and it is over and done with the one time? Most people feel that we get a 5.5 per cent increase three times in the year, and it just does not make sense.

The Deputy Speaker: Order, please. There are many private conversations that make it very difficult to hear the member for Wellington.

Mr J. M. Johnson: I also take exception to the fact that we have something like 31 parliamentary assistants receiving \$9,808 a year. The Premier refuses to give the members a decent increase, but he provides 31 of his members with extra remuneration. There are two parliamentary assistants for the Minister of Agriculture and Food (Mr Ramsay); this indicates either that the Minister of Agriculture and Food is incompetent or that he wants to featherbed a couple of members. In either case, it is not acceptable.

The individual who is down in the corner office should not be calling the shots constantly as he has for the last 50 years. We went through 42 years of the same principal calling all the shots. It is not acceptable. Surely if the members have the responsibility of passing the legislation, they should have some say. I would prefer to see it sent out to a commission such the Commission on Election Finances, which we have charged with the responsibility of recommending the remuneration for members, and all the expenses that go with it, to this assembly. Yet we have never accepted that.

The commission has indicated that if the government is not willing to listen, then it should take that responsibility away from it. The government should make up its mind whether it wishes to do so or not.

In closing, I would simply say that the Premier should tell us by May what we are going to receive and make it a one-shot deal and forget about the three stages.

Mr McGuigan: I am provoked to reply to the member for Wellington in expressing the opinion that we are featherbedding.

Interjections.

The Deputy Speaker: Order, please.

Mr McGuigan: The Ministry of Agriculture and Food, and I have maintained this for many years, really is five ministries rolled into one because there are five major agricultural areas in the province. I can just give them all. There is the red meat industry, the dairy industry, the poultry industry, the crops or grains and oilseeds industry and then the specialty crops such as tobacco and processing crops.

There are really five separate industries, some of which are competing with each other. For instance, the interest of the livestock feeder is for cheap grain; the interest of the grain producer is for expensive grain. On top of those five groups

we superimpose the geography of Ontario stretching from Windsor to the Quebec border and into northern Ontario; we really run from about 3,300 heat units in southwestern Ontario down to 1,700 or 1,800 heat units in the far north.

I very proudly occupy one of those parliamentary assistant seats, and I am very proud to have my colleague the member for Cornwall (Mr Cleary) responsible for eastern Ontario where the main interest is especially in the dairy industry. I totally reject the suggestion that the minister or the Premier are in a exercise of featherbedding. What we are in is an exercise of bringing competence and good service to the agricultural industry of Ontario.

Mr D. S. Cooke: Maybe I should not carry this to an extreme, but I do not think anyone on this side of the House has said that the parliamentary assistants are not performing a useful function. That is not the point. Members of the opposition perform a very useful function too. I think our concern, I say to the member for Essex-Kent, is that this bill and the accompanying bill have been designed to featherbed the Liberal caucus and to provide extra funding and extra salary to the Liberal caucus members. That is the concern we have.

We have an equally important role to play. Opposition parties and opposition critics are supposed to keep the parliamentary assistants honest and are supposed to hold them accountable. We have a role to play, too. We have to keep in touch with interest groups and talk to people across this province, talk in our constituencies both within our own riding and within our portfolios that we are critics for.

2020

So the member does not have to stand up here and justify his salary to us. I think what he has to do is justify the process that is used, which is a process whereby the Premier decides what he is going to get paid and what we are going to get paid, and it has absolutely no relationship to the role that we play in this Legislature.

I think that is the concern we have, and if the member for Essex-Kent does not understand that, he forgets from the time when he used to be on the opposition benches.

Mr Villeneuve: I have a few comments as well to one of the parliamentary assistants to the Minister of Agriculture and Food. The problem with what he brings forth is that the Ministry of Agriculture and Food has been cut back in the funds that were allocated or budgeted by \$57 million, and he knows that he feels guilty about that.

He did not really touch on that, but he has to feel guilty about it because whenever you have a budget and all of a sudden you spend \$57 million less than was budgeted for, it quite obviously sends a message to agriculture and the people involved in agriculture that you are not very important, that as a matter of fact you are of very minute importance in the scheme and in the overall picture in the province of Ontario. I know the parliamentary assistant has a problem with that because whenever agriculture is faced with an almost 40 per cent reduction in net income as was predicted at the outlook conference in Ottawa on—

Mr Kerrio: Oh, come on. Talk to the bill.

Mr Villeneuve: It was. It was predicted at the outlook conference, a reduction of almost 40 per cent in net income. No other sector of our economy has faced that kind of reduction. In Ontario we are faced with a 12 per cent reduction in what was budgeted to agriculture; that stayed with the consolidated revenue fund of the province and was spent in other ministries. I say that the parliamentary assistant has a legitimate question and problem, and he has to speak to his minister.

I spoke with his colleague the other parliamentary assistant this morning in Cornwall, and we do have a problem there as well. That kind of cutting in budget certainly sends a message to Ontario: Agriculture is not on the front burner.

The Deputy Speaker: Thank you. Could members be a bit less creative and stick more to the bill, please?

Mr J. M. Johnson: I would like to state very clearly that the member for Stormont, Dundas and Glengarry summed it up quite well. There is a problem, and he knows what the problem is. If he were the Minister of Agriculture and Food he could solve it in a very short time and he would not need two assistants to do it.

I would also like to say that the member for Essex-Kent is a good friend and he is very sincere. He would be an excellent Minister of Agriculture and Food, and I wish him well.

Hon Mr Ward: As I indicated in my opening remarks the bill provides for an increase, a cost-of-living increase basically, for members of the executive council, as does the next bill, Bill 91, which applies to all members of this Legislature.

I noted with interest that many of the comments related to the process of increasing members' salary. I know that not only here but even at other levels of government, whether it be

at school boards or at the municipal level or at the federal level, there is probably nothing that creates more discomfort for elected people than the obligation they have to set their own rates of remuneration.

Time and time again I have heard members in this House and in other forums speak about the difficulty that creates, and I have heard all kinds of suggestions for other mechanisms. In fact, I suppose there does exist the possibility of a mechanism around here because, as members know, the Commission on Election Finances issues a report annually, I think, that makes suggestions about increases in salaries. The reality is that the kinds of recommendations we have seen over the course of the past several years are many times in excess of the rate of inflation, and I for one do not believe that is appropriate. I believe that the members of this assembly are acting responsibly and appropriately in setting the increases at this rate.

The Deputy Speaker: Mr Ward has moved second reading of Bill 94, An Act to amend the Executive Council Act.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for third reading.

LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1989

Mr Ward moved second reading of Bill 91, An Act to amend the Legislative Assembly Act.

Hon Mr Ward: This bill, like the previous bill, provides for an inflationary increase for the salaries of members, indemnities and their allowances.

Mr D. S. Cooke: This is one of those bills, like the previous one but this one more so, that we always tend to leave until the end of December and we always tend to leave until the last few days. It is retroactive to 1 April. For anybody who is interested this will mean that our basic pay will now be \$43,374 with a tax-free allowance of \$14,548.

I guess our concerns are partly to do with process and partly to do with the end result of this particular bill. The House leader for the government said just a couple of minutes ago with respect to the previous bill that they have not acceded to the recommendations of the Commission on Election Finances in the past because they have exceeded the rate of inflation.

He would know, and certainly the majority of his caucus members would know, that those recommendations were not even designed to deal with the rate of inflation; they were designed to deal with the fact that our pay over the years has fallen out of any rational or any reasonable comparison with the private sector or with other members, whether it be the federal members of Parliament or the members of the Quebec National Assembly, which we have looked at over time.

They were not designed to recommend that we were simply to get a cost-of-living increase. They were designed to see that members of the Legislature were paid adequately so that people who were considering this office did not say to themselves that they cannot consider this office because of a huge, drastic decrease in pay it would take; so that we would not get into the same kinds of problems that they have in other jurisdictions where other forms of pay have to be received in order to survive; and so that we would not get into the position of whether members were full-time or not.

We have had the experience in many parliaments in this place where members come here for one or two days a week and do not provide full service to their constituencies because the pay has not been adequate. There may be names of the members of the Legislature now; there certainly was a very famous member, a member of the Liberal caucus from Ottawa, who used to come here one or two days a week.

I do not think the pay we receive in this place is anything that we need to apologize for to the public, to our supporters or to our constituencies. I think that in many respects the pay we receive is simply inadequate and that if the members of the Liberal caucus were voting honestly and had real input into the compensation that we receive, we would be receiving more than 5.5 per cent.

The fact of the matter is, the bill that is now before us today will result in virtually all of the members of the Liberal caucus receiving more than that \$43,374 plus \$14,548 in expenses. They get parliamentary assistants. They get a large number of committee chairpersons. They will now get vice-chairpersons and, of course, they get whips and House leaders and all of the other positions.

I believe in the Liberal caucus there will now be almost in the mid-80s out of their 94 members who will receive additional pay, whether it be cabinet, parliamentary assistants or the other positions. There is absolutely no motivation, no interest, and very few members of their caucus

care about paying members adequately because they receive anywhere from \$5,000 to \$10,000 in additional pay. I think that is one of the grievances that we have on the opposition side, that this kind of assistance or additional indemnity is not available to members of the opposition.

2030

I think that, as a member of the assembly who is also on the Board of Internal Economy, I have to express some very real concerns about the way we deal with some of the agencies we fund that have received substantial increases in pay that we and our staff do not receive.

Let me point out that last week at the Board of Internal Economy we had the Office of the Provincial Auditor come before us for supplementary estimates, we had the Office of the Ombudsman come before us for supplementary estimates, and we had the Office of the Legislative Assembly come before us for supplementary estimates.

The auditor's office said to us that it was coming before us for a six per cent adjustment to wages to reflect the cost-of-living adjustment. That seems reasonable; that is what our staff got; that is what the public service got. What I remembered, and so did other members of the Board of Internal Economy, was that when we dealt with the original estimates—and I ask the Liberal members to listen to this because I think this is pretty significant; what we did for that office earlier in the year—they got a five per cent increase in their wages earlier in the year. When asked what the five per cent was all about, it was merit pay. So they get merit pay at the beginning of the year of five per cent, and they get six per cent cost of living, for a total of 11 per cent on their wages. That is in the Provincial Auditor's office, and we cannot criticize the Provincial Auditor; it is his job to criticize us.

The Ombudsman's office involved the exact same process, as did the Legislative Assembly office. I believe the adjustment to the Legislative Assembly office for last week's supplementary estimates was \$3 million.

I am not suggesting that the merit pay and the cost-of-living adjustments were not appropriate. They could very well have been justified. I have some real serious questions about the process that was used, but they could very well be justified.

All I am saying is that it seems to me that the only difference in principle that is used in this place is that we are subject to criticism in the media and in the press. Let's not focus on anyone else other than the Premier because we know it is the million-dollar Premier who makes the deci-

sion. He makes a decision; he is worried about negative press and, as a result, there has not been the basic reform in salaries in this place. The only basic reform we got was in the last few years of the Davis government, and there was a recommendation from the expenses commission that there be a \$10,000 adjustment to our pay. We got the first instalment of \$5,000 and we never got the second instalment of the additional \$5,000.

I think that it may be politically cute not to do that; it may be politically attractive for the Premier to make comments in the press, as he did last week or the week before, saying that 5.5 per cent may not be adequate but the opposition wants 20 per cent or 30 per cent.

I am highly offended when the Premier makes those kinds of statements. We have never suggested that there be a 20 per cent or 30 per cent adjustment to the members' pay. We have simply suggested that if you are going to set up an independent process, as was done with the Commission on Election Finances, then we should accept the recommendations. If you do not want to accept the recommendations then put all the power in the hands in the Premier and let's pass the legislation; let's not go through the farce that we go through every year. Let him set the wages.

But for him to get out and try to score political points by saying that the opposition wants 20 per cent or 30 per cent is highly offensive. We were asking for the second instalment. He was quoted in the Toronto papers as saying that this is what the opposition really wants, 20 per cent or 30 per cent—never on the table, never discussed.

In fact, I think the first year that I was House leader a couple of years ago we had a discussion with the previous House leader about the process. He said he would argue on our behalf, but we know that the previous House leader was not particularly interested in reform either. He is very well off, and the money he receives from this place, just as the money that the Premier receives from this place, is spending money. For some of us it is not spending money. It is our income. It is what we pay our mortgage with. It is what other members of my caucus fund their family with, pay for their cars and so forth. So it is their income.

The Premier is a millionaire. The Treasurer (Mr R. F. Nixon) is extremely well-off and the former government House leader is very well-off. Those are the kingpins who have made the decision on our wages for quite some time. They are just living in the wrong world because there are many people who would like to get involved

in politics. My God, if I was still working at the children's aid society in Windsor, with the pay I would get from children's aid and the pay I would get from being on the school board now, I would make more than a member of this assembly. The Toronto city council makes more. Trustees for the board of education in Toronto make as much, or darned near as much, as we make as members of the assembly.

If we want to attract people to this place to run for positions in the assembly then we have to look realistically at the wages. If we want this job to be respected as a full-time position, as it should be, and not have lawyers or doctors or other people who are members of the assembly going back for Mondays and Thursdays and Fridays and earning additional money, then there has to be recognition that the pay has to be adequate to attract people from all angles and all aspects of life to this place.

It is an extremely frustrating process we go through. I remember that after we went through the hassle after the 1987 election our caucus took the appropriate position, I believe. We said there had to be a process put in place where an independent body not only recommended but had the right to implement fair wages for the members of the assembly and the members of the executive council. We believe still that this would be the appropriate way to go. At the time, the Premier responded and the government House leader responded by saying they were seriously looking at a new process and they would open up discussions.

That happened in December. In February of that year my colleague the member for Nipissing (Mr Harris), the Conservative House leader, and I flew down on a weeknight to have dinner with the government House leader to discuss the process. That was in February. He said: "Okay, I understand where your caucuses are coming from. I agree with you philosophically. Well look at alternatives, and we will come back to the assembly with a proposal."

Then last year came around and the proposal was no substantial adjustment to your wages, but we will tie you to a middle bureaucrat for future increases. We said, of course: "That is unacceptable. We are not going to be tied at a wage that we see as being unacceptably low and then have it locked in for ever to cost-of-living increases to some middle bureaucrat." That, to me, is totally unacceptable. Of course, at the same time, in the last year, the board and the government accepted major revisions to deputy ministers' wages in this

province. Major revisions that now have deputy ministers earning around \$130,000 a year.

I think that what has happened in this place, and I tend to think that the majority of the Liberal members would agree, is that the role of a member of the assembly has been downplayed by this government. They understood the problem when they were in opposition, but they refuse to accept the need for basic reform in both the process and basic pay now that they are in government because they are worried about a few stories that might appear in the papers and in the media criticizing the government for substantial reform to members' pay.

I think that is very unfortunate because it has consequences, not just for us, but it has consequences for the process and who is going to be attracted to these jobs and who will participate. I mean, it is not just a coincidence that people are not running in the same numbers that they used to run for members of the Legislative Assembly or for leaderships of political parties. It is because there is a basic problem here. We bring in conflict-of-interest legislation, and that was very appropriate that there be conflict-of-interest legislation brought in that restricts where we can get involved financially and brings in some accountability, which I think this caucus supported 100 per cent.

If you are going to do that type of thing then I think there also has to be some recognition that the pay rates for members of the assembly have to be adequate to recognize that this is a full-time job and this is the major income for the members that are elected.

It is a frustrating process because every year we get told by the Premier and by the government that they are prepared to look at some substantial reform, but it never happens. This year we took the position, and I think the Conservative Party took the position as well, that we were simply not prepared to negotiate with the government, that we knew that negotiations were meaningless and there was no use having discussions, and that it was its responsibility to bring in a bill and it could bring in the bill and we would react accordingly to whatever proposal.

2040

This is not a consensus bill at all. The last bill was not a consensus bill either—the amendments for cabinet. This is a Liberal bill that reflects the position of the Liberal Party and not the New Democratic Party or the Conservative Party and I want to make that very clear.

I want to finish by saying that this bill, besides the 5.5 per cent increase that the government

House leader pointed out, brings in some reforms, some of which I would agree with if they were accompanied with basic reform to our basic wage. There should be some recognition for the job that the chairmen of caucuses hold. There should be some additional financial compensation for that position. The federal parliament did that a number of years ago.

There should be adequate compensation for the chairmen of our various standing committees and select committees and for the vice-chairmen of those committees. I have no problem with that aspect of the bill at all. What I do have a problem with is that there were a large number of people in the Liberal caucus who have been complaining for quite some time, as we have been, that the overall pay package for members of the assembly have been inadequate. Instead of the government coming to grips with that basic problem, it has decided to increase the number of Liberal caucus members who will receive additional pay from under 80 per cent or thereabouts to over 90 per cent of the Liberal caucus members.

The government will say that we get some vice-chairmen as well. As I understand it, there are 11 standing committees and one select committee. Out of those 12 committees my party chairs two of those committees. So that means that we will get two additional people who will receive additional compensation with the recognition of two vice-chairs.

Mr J. B. Nixon: Four vice-chairs.

Mr D. S. Cooke: No, we have two and two people were already being compensated as chairmen of committees, so we will have two additional. The Conservative Party will also get two, but the balance will result in the Liberal caucus members picking up seven additional compensations for their caucus members.

If members look at the overall package, this package was designed to assist the Liberal caucus and to deflect some of the criticism that was being received by members such as the member for Windsor-Walkerville (Mr M. C. Ray). I have talked to him many times, and to other members of the Liberal caucus, who have gone and tried to make the case to the leadership of the Liberal caucus that it is about time that we saw some substantial and fair reform of the process as well as the base pay. They did not want to do that so instead what we saw, and what we have received today, is a bill that will satisfy most of the Liberal caucus because most of them will be receiving additional money, but will not see a substantial reform of the pay package for the members.

I am sad at the process that has been followed at arriving at this bill and I am disappointed that the government, which used to speak and used to seem to understand the difficulties with pay—and it is not popular to get up and talk about the need for reform because it is not popular with the voters; I understand that—has refused to bring in some of the reforms that are necessary, that would be fairer and that we would be willing to join with the government in bringing about.

Last year when we looked at this, my leader said to the government House leader or to the Premier, “You move the bill; I’ll second the bill.” The leader of the third party agreed to also second the bill so that the responsibility would be shared among all three political parties. That proposal was rejected. I think it boils down to the problem that we have a Premier who makes a decision on his own. He is a millionaire and he does not understand the difficulty that other people have at running for and risking themselves in elective office.

I think that some members of the public who look at our wage and look at our pension package think that we are extremely well off. I think it still goes back to the fact that the average stay for a member in this place is less than seven years and when you leave this place there are large numbers of members who do not have alternative work to go to. We all know former members who have not made an easy transition to the private sector or to another career after this place. It is not easy.

I am not looking for sympathy among my voters. I enjoy very much the job that I do, but I do think that we take a risk coming to this place. We perform an absolutely essential function for all of the public in this province and I think it should be adequately compensated. I am disappointed that this government has not had the guts to take this issue on and that instead it has taken a position which I think is unfair and does not adequately recognize the needs of members of the Legislature and the needs of the democracy of the provincial Legislature in this province.

Mr Harris: I will not go on at great length. Those who are particularly interested in my views on the matter dealing with pay raises for members of the Legislative Assembly in this fashion can read my remarks from last year. If those are not exciting enough, they could read my remarks from the year before.

We will not vote for this bill, nor will we support the legislation, primarily because we are opposed, as I said in my comments on Bill 94, to the process. I know in the past when I have made comment on this, some members—and I see the

former House leader entering this very chamber and sitting at the Hansard table so he can hear every word that I say and I appreciate that. He will recall discussions he and I have had on this matter in the past. It has been pointed out that, by and large, with few exceptions, the method the government is following is the same method that the former government followed and I have no hesitation in saying on behalf of my caucus that I approve of neither.

I do not approve of this method of setting the remuneration for members of the Legislative Assembly for the upcoming year, and in fact it is not even all of the upcoming year, because I do not approve of bringing it in at this very late date. I do not think we should be dealing retroactively with these matters. It just reinforces that the Premier does not like to deal with them so he puts it off as long as he can, and when the calendar year or the fiscal year is almost run out, he says, “I guess we do have to do something,” and he finally makes a decision, and the pay bills come forward.

I was intrigued with the comments by my friend and colleague the House leader for the New Democratic Party. Between us we have spent considerable time over the past couple of years trying to convince the government House leader and, with our leaders, the Premier, that there ought to be a better way and we would support a better way of setting the remuneration, namely some form of independent commission. The Hay system is used in industry all the time. Many contract agreements between employees and employers rely on that system or others and agree to abide by those decisions as being final and indisputable.

It is ironic that at a time when we are having difficulty dealing with many crown employees we still in this day and age in this province have to deal with strikes and strikes as a method of trying to reinforce one point or another. Ultimately in the public sector those strikes are resolved by enforced binding arbitration, as was done in the case of the community college teachers recently, or by actual legislation forcing binding arbitration on the parties.

2050

I see nothing wrong with this Legislature and all of us, by example, embarking upon an independent process of evaluating just what this job that we do is worth, from members of the Legislative Assembly right through to the executive council and the positions in between.

The member for Windsor-Riverside (Mr D. S. Cooke) indicated, I guess out of a sense of total

frustration—and I had not thought of it this way—that instead of this charade every year, bringing forth the bills and somehow or other asking members of the Legislative Assembly to comment or to vote on our salaries, if we are not going to adopt a responsible attitude, why not just pass a piece of legislation that leaves this authority solely with the Premier. That would at least be honest, because that is, in fact, what has happened over the past number of years, certainly since 1981 when I was first elected. The Premier of the day in fact makes the decision.

As I listened to the House leader for the New Democratic Party make those comments, I thought that it was ironic, the number of bills that we have debated in the past couple of years—and, in fact, one that we are going to be dealing with tonight, one that we dealt with last week, I guess the one that the member for Mississauga South is going to talk about tonight, the Mining Act—that vest so much power in the executive council—

Mrs Marland: Bill 47.

Mr Harris: Bill 47, the member for Mississauga South tells me.

There has been so much of the current legislation that this administration has brought forward that has given too much power to be put into the regulations and too much power to be decided by the executive council, far more than we would wish, and it is ironic that here is a bill where, in practice, this is exactly what happens: the Premier decides. Why would the government not be honest with this piece of legislation and come forward and say, "Look, we have no intention of having meaningful input from the backbench members, regardless of party. We have no intention of receiving any input from outside of this Legislature. In fact, it is the Premier who is going to decide"? Why does the government not bring forth the bill that says the Premier will make the decision? In effect, that is what is happening.

Because of the method, the refusal on the part of the Premier—and it is the Premier; I do not blame the House leader for this at all—to look at a more modern and a more acceptable method with an opportunity to show by example how salaries in a meaningful way ought to be set, independent of those with a vested interest, my caucus will not support this legislation.

It is not a surprise to us. It is the same, year after year. The comments that we have put forward—

Mr Kerrio: When you were a cabinet minister, did you support your Premier?

Mr Harris: Listen, the former minister, who was a disaster for the resource industry and all of our natural resources in this province, seems to want to interject and he asks what I think of how it was done by my former Premier. I am on the record and I have said that I disagree. I disagree with the way it was handled in 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988 and now in 1989. I indicated clearly on the record that I do not think that is an acceptable way.

Mr Dietsch: Did you stand up then and disagree?

Mr Kerrio: Not when you were a cabinet minister, you didn't.

Mr Harris: If the former minister—that is the one thing that I think the Premier has had good judgement in, since he is now a backbench member and not a minister—wishes to comment on my remarks or enter into the debate in an official way and put his comments on the record instead of sniping away, then I want the member to feel free to do that.

I suggest to the members of the assembly—and I do not have any difficulty in a very sensitive and difficult issue, as the member for Windsor-Riverside has said—that it is not the type of debate that one single member of the party of the member for Niagara Falls (Mr Kerrio) has the courage to stand up and be counted on; not one. So it is not the kind of issue that one particularly is pleased about having to stand up and represent the views of one's party on. It is the kind of issue where the public says, "Oh, yes, there are the members talking about a raise for themselves." I understand that sensitivity. I understand that it is not easy and I understand why the members of the government do not come forward and put their open and honest views on the record. When other members of the assembly, from whatever party, take the opportunity to do so, I do not understand how the member for Niagara Falls would stoop to the kind of comments that he has made while I have been speaking tonight.

We will oppose this legislation for the principles that I have outlined. I guess I would say to the assembly that I hope that some day there will be a Premier with enough courage to stand up and do the right thing in the way the remuneration is paid to members of the Legislative Assembly.

Mr Kerrio: Certainly I have a couple of comments that I think are appropriate.

I feel that the member for Windsor-Riverside has every right to put his position and I feel that is appropriate for him to make the comments that he made because he feels as he does about this issue.

I am only standing because I have a challenge from a former cabinet minister who is suggesting that while he was a cabinet minister under the Davis government he was opposed to the position that he takes at this point in time.

I would accept nearly anyone in that caucus standing up and making the comments that he made, but I do not think they are acceptable coming from that member and making a suggestion that he did not support his leader when he was in that cabinet. I just do not believe that.

Interjections.

The Acting Speaker: I do wish the members of his own caucus would let the member for Nickel Belt speak.

Mr Laughren: I just wanted to reinforce some of the comments the member for Nipissing made, particularly in view of the comments of the member for Niagara Falls. The member for Niagara Falls is like a lot of his colleagues on that side: They do a lot of muttering in the corridors, but when the bill comes before the assembly nary a word is spoken.

I really think it is inappropriate for the member for Niagara Falls, given his personal position, given the fact that he was in cabinet for a number of years himself and does not have to give a twit about what goes on around this place in salaries, to then sit in his place and heckle members of the opposition who at least get up in their place and state their position on this bill and on the executive council bill.

The member for Niagara Falls might be better directed to talk to some of his own colleagues to get on their feet and say what they really believe.

2100

Mr Mackenzie: This is an issue I feel strongly about. My remarks will not be long, but they certainly are to the point. What we have here, as I see it, is a bit of a shell game, an unfortunate shell game: now you see it, now you don't. This government is using the back door to achieve a result that it is not willing to sell at the front door. Let me make it clear, very clear: I am one of the members of this House who feels that the members of this House are underpaid. I have never had any difficulty in accepting my pay. I feel I earn every cent of it.

In my case personally, I like what I am doing. I take pride in it. I try to give my best effort to it, and I would probably fulfil the job regardless of what the pay is, but it does not mean that I should accept a remuneration that does not match the importance of the position. I think there is some purpose in making that particular point because

we may all have views—others about me, myself about others—as to the value or the work that members of this House do, but I think the position is worth something. Most of us who deal with government bureaucracy, in many cases senior members of the ministries of which are critics who are paid double what we receive, or in some cases more, realize that what we have here is not a very high rate of pay.

People with similar responsibility in the business community would not consider the hours, the frustration, and I think, the absolute commitment that are necessary for serious members of this House for the kind of money that we receive. They might feel that the power that it can bring in some certain circumstances is worth something, but there are not an awful lot of people who would take this job just in terms of the kind of salaries we get.

Comments have been made about the positions members have taken in this House. I have talked to members, over the years that I have been here, of all three parties. I have talked to ministers, including ministers who are sitting in this cabinet here today, and parliamentary assistants who have raised in bygone days the issue of salary. This particular government, once it took power, raised the fact that maybe we should be pushing, because for years it was members of this party who were pushing for decent pay for the members of this House and who have said to me and to others: "Why don't you make this an issue again? Why don't you push our people or push our ministers?" That is fact and that has come from ministers, members and parliamentary assistants, in both of the old parties incidentally.

Much of the public, of course, hears about the \$80,000-plus received by federal members and thinks that is what we are getting. I do not begrudge them what they are getting, but we are not paid the same, and I think all of us understand that well. We are well under that rate. Almost 10 years ago—as a matter of fact, I guess it must be 12 or 13 years ago—a number of us were interviewed by a committee that was set up about the perceived and accepted inadequacies in the members' salary. As a result of this study, the Commission on Election Contributions and Expenses was—I am not sure whether it was a formal request or not—asked to make recommendations. In that first full report, following the review they did and the interviews they held with members in this House, they came out with a recommendation that said we were at least \$10,000 underpaid at that time. They made as their first recommendation that we have an

increase in that year. It was a little better, just over \$5,000. That increase went through. The understanding clearly was that the other half of the recommendation, because they did not want to do it in one single year, was to go through the following year.

The following year we ran into the wage and price controls issue and the second shoe, in effect, never dropped. In subsequent years, the Commission on Election Finances has made a number of recommendations, and one or two of them would have achieved or maybe even improved the second half of that recommendation that the members of this House never saw. All of their recommendations have been turned down. The understanding at the time, although it probably was not a formal arrangement, was that the election finance commission would make recommendations. They made them for a number of years. Of course, they have now stopped making them because it became obvious that they were looking like fools as well, making recommendations year after year, none of which was accepted. Both this government and, I might say, the previous government rejected recommendations that were made by the election finance commission.

To have continued them, I agree with the commission, would have made it look silly. Its recommendations made sense and, as far as I am concerned, were more than justified. But this government has tried to find a means of keeping its members happy, and has clearly recognized the justice of those recommendations that were being made, by coming up with an alternative. This is what I call the backdoor deal, and I think it is a rather dishonest deal.

There are 94 Liberal members in this House. Our information—I have not tried to verify it to the person—is that at least 85 of them are getting additional pay for the positions they hold. To keep opposition members happy, because this is something that people are aware of now and it is beginning to get out in the public as well, this time around they have come up with some additional positions, and of course a few additional spots for the opposition as well, and that is supposed to keep people from talking about it. It is the old “pay off and divide” tactic that we are seeing.

I could be a beneficiary, as I understand, of one of these additional emoluments, but that does not make me think that it justifies the kind of backdoor approach that this government is using. I do not think this government should be allowed to con the public by saying:

“We will not approve an adequate pay level up front where the public can see it but are perfectly willing to play this little game, this little boondoggle, of extras for positions that cover literally almost all the members of the House and, in a different way but not an upfront way, really accomplish the same thing.”

It also means that we do not deal seriously with a number of other serious problems which have been the subject of recommendations from the election finance committee as well. I do not get too many complaints about our salary. There is a brief flurry every time there is an increase, and I agree with other members who say that say we go through the hopper or the mill probably three times—once when the election finance commission makes a recommendation, which of course it is not doing any more, again when the bill is moved in this House and again when it is passed—all for the same increase, whatever that increase is.

But we are not dealing with some of the other recommendations which were good recommendations. I do not get complaints about the salary level anywhere near as much as I get complaints about our tax-free allowance. Frankly, I think that also is very difficult to justify. I think one of the recommendations that was made at one time by the election finances commission, as I understand it, also was to roll that expense account into salary and that we should be paying taxes on it. Let me tell members, I hear more complaints from people about the tax-free allowances we get than I do about the level of salary that we are being paid in this House.

As long as we are following the procedures we are following now and using the back door to try to accomplish the increase in salaries, but on the basis of some kind of a position one holds, whether it is important or not important, we are not dealing with the adequacy of the pay level of the members of this House. I simply do not think that is proper. We should be eliminating the privilege of the tax-free expenses, we should be looking at whether or not there should be extra remuneration for things such as our committees, and it might mean a considerably higher level of pay for the members of this House.

The biggest argument I hear against it is that it would involve an additional burden in terms of the pension plan. Yes, that it is one very good plan we as members of this House have. All of those things are acceptable to me: to have our wages on an upfront basis, an adequate income in this House, not going through the back door to try to achieve something that the government knows

it should be doing and to look at the other changes that are necessary as well.

It is for these reasons, and not because I oppose the extra money—as I say, I think the members are worth it and worth more—that I oppose this particular bill. I think it is a sham, I think it is a bit of a shell game and I wish like blazes the members of this House would for once deal with the salary issue up front.

2110

Mr McGuigan: I would like to comment on the remarks. Since we are debating this in the Legislative Assembly of Ontario, I really do not know how we can be validly charged with doing anything through the back door. Surely with the news media and Hansard and all the ways of reporting what is going on here, this is dealing perfectly up front. There is information that members of the public can look at and can criticize, as they choose to do.

I want to tell members a little anecdote. I guess three years ago, as part of the free trade debate, I did a tour of the United States. One of the visits was to the state House of Texas. The state assemblymen were very proud of pointing out to us that they got a salary of only about \$6,000 a year, and their point was that you were not fit to be an assemblyman in Texas until you were a very wealthy, self-made person. I asked this particular assemblyman if the poor people of Texas had any reason to complain about that situation. He allowed that perhaps they did have a reason to complain about that fact.

I tell that story to point out that I think most of us here, to borrow a phrase, are representatives of the public and, in some sense, ordinary Canadians. Being ordinary Canadians and ordinary Ontarians, we can relate to the people whom we deal with, the people whom we represent. I do not have any difficulty in defending the salaries that we receive as being pretty reasonable under the circumstances.

Mr Wildman: I rise to congratulate my colleague the member for Hamilton East (Mr Mackenzie) on his presentation on this very delicate subject, and I recognize it is a delicate matter for members to be debating an increase in their own pay levels. However, I must say in response to my friend the member for Essex-Kent (Mr McGuigan), for whom I have a great deal of respect, that I really think his comments were somewhat naïve and not really very realistic and that the time of the dollar-a-year man is past.

I am not going to speak here, in responding to my colleague the member for Hamilton East, about our levels of pay because that frankly is not

what bothers me the most personally. What bothers me about this is the process, the fact that the previous government and the assembly set up a process which was supposed to deal with this whole matter fairly and get us out of this invidious situation we tend to find ourselves in every December.

That system was set up where you had an independent body that was representative of all three political parties and people with experience in the political realm who would analyse and determine whether or not members should have an increase and, if they should, what it should be. Consistently since that system was established it has been ignored. Because it has been ignored, members' salaries perhaps have fallen behind. As a result, governments have continued to establish more and more positions which will get extra pay. It may not be under the table, but frankly most of the public and the media do not report those extra emoluments, and that is the problem. It is basically not honest. We should be increasing the base rate and ensuring that all of us have a basic salary which is adequate and fair.

Miss Martel: Normally if I were going to participate in this House, I would be more than happy to do so. I enjoy the debates in here and I enjoy the issues we deal with, but I have to say, although I am not going to speak for very long this evening, that I am not pleased to participate in this debate about pay, to go through this rigmarole again this December as we did last December and every other December that other members in this House were here, to try to determine what pay honourable members of this assembly are going to have.

Let me just clear the decks at the outset and say two things so that I do not get trapped, or other members do not mutter away and say this and that and the other about the member for Sudbury East.

First of all, I do very well here. I am a single person. I do not have dependants. I have a whopping mortgage but my car is paid for and, for someone at the age of 26, yes, I do very well here, certainly a heck of a lot better than I did at the Workers' Compensation Board before I came here. But I am not getting up to talk about what the actual monetary value of this package is because that is not why I am opposing this package. I am opposing it because I disagree fundamentally with the manner in which pay is given to members around here and the process in which pay for members evolves.

The second thing I want to say is that it is true I will not be one of those people who will benefit

from an increased remuneration as a result of the passage of this particular bill. I suppose I would be criticized either way.

I could be criticized for saying that the reason I am opposing it is because I am not going to receive it, which in fact is not true. Over a year ago, when we went through this same thing last December, I spoke to our local media and said that I resented this process, that this whole process whereby members and the Premier determine salaries on behalf of other members should be done away with and we should be looking to an independent body to set pay in a manner that was fair and equitable. So I am on record, at least at home in my own riding, as not supporting the way this is done.

Second, some people might say that I am criticizing the process because if I were one of those people who was going to get the benefits, I probably would not give it back anyway, so I am being a little bit hypocritical here or two-faced. But I say to members again that my opposition stems not from the last number of weeks since I have seen this bill, and not because I am not going to benefit from it in terms of getting increased pay for a particular position, but because I disagree fundamentally with the way this is done.

I have three specific concerns that I would like to put on record today. The first is that I am angry about the unfairness of the present process which determines our pay. Let's not kid anyone, members of this House know full well that the Premier and two or three other people, probably the former government House leader, now the Minister of Education (Mr Conway), and probably the Treasurer (Mr R. F. Nixon) and probably—I will add a third—the Attorney General (Mr Scott)—

Mr Laughren: The government House leader.

Miss Martel: —and perhaps the House leader sit down and determine what the pay for other members in this place is going to be.

Quite frankly, if we look at the four on the front bench, their various take-home pays for their various endeavours do not reflect anywhere near what the rest of us are doing in here. This is my pay, this is my one and only salary. I do not have a business that I sold and collect profits from. I do not have stocks and bonds and all other kinds of things that I can get increased pay from. This is the one and only thing I do. It is the one and only thing I want to do at this present time.

But I do not think it is very fair or very realistic that people who are nowhere near the income

bracket I am, that is for sure, are making decisions about my pay or pay for other honourable members in this place. Frankly, I do not think that they have any sense of what the rest of us are doing, what my colleagues who are trying to put their kids through university are going through when they are trying to pay mortgages on cars, houses, etc. I do not think it is fair that the Premier and a couple of henchmen who do not make the kind of money that the rest of us do are making those kinds of important decisions on our behalf without any input from other members of this House.

Second, I have a very valid concern about the injustice of the present proposal. It is something out of the Middle Ages—divide and conquer. “We’ll look after a great deal of our own”—and in this case some 85 members of the Liberal caucus right now are going to receive extra pay in some form or another—“and while we’re doing that we’ll throw a few crumbs to the opposition parties and two, three, maybe four of their own members will get a little bit more.”

But if you look at it proportionately, the Liberal members in this House are doing very well, not only in terms of pay but in terms of the extra staff who come about by being a cabinet minister, by being a parliamentary assistant. I think all of us in here come here and are committed to do a good job and are committed to working hard, but I resent that kind of division among us because I think I work as hard as anyone else in here and I resent that we do not get any of those perks and that this government has not taken the time to look seriously at upping the rate of all of us to recognize the contribution we make as MPPs in this province and dealing with all of us in a bit fairer manner.

The present proposal is not fair, it is not equitable. I go back and say that it is something right out of the Middle Ages, “We’re going to divide, we’re going to conquer and hope that the crumbs we throw to the opposition parties will make them happy, and let’s get on with the business of looking after the rest of our own,” in this case, some 85 or 86 Liberal members.

2120

Third, I have a very specific concern around the resolve in this place, which seems to have dissolved, since we came here. In 1987, when I was first elected, and into 1988, there was some serious discussion going on in this place around how we could bring real reform to members’ salaries and how, we thought, if we could take the former government House leader at his word, the government was in fact intent on putting

together a package of reforms that allowed for input of members of all sides and that was going to make the system more fair and one acceptable by all.

I remember there was a great deal of discussion from Liberal backbenchers who came here, who because they were not cabinet members all of a sudden, or not parliamentary assistants, had suffered a fairly significant drop in their salaries. There was a lot of muttering and mumbling among those members as to how the system should be changed, how in fact the process was not fair, how it was not fair that the Premier (Mr Peterson) made those kinds of important decisions on his own for the rest of us and how in fact, yes, there should be some significant and long-lasting reform to pay in this place.

What has happened, and sadly so, is that as more and more of the Liberals got shifted around, got the cabinet posts or the parliamentary assistant jobs or deputy speaker, etc, then those mutterings and mumbblings kind of faded out because everyone started to be looked after in one way or the other, and suddenly the concern for reform was no more.

I think it is really unfortunate to those members who talked to me privately, and there were a number of members who talked to my colleague the member for Hamilton East (Mr Mackenzie), as he already said, etc, that in fact suddenly all that resolve has disappeared. It is too bad, but I think some members got bought off. That is really unfortunate, because they came here with some good intentions about making significant and fair changes, and suddenly that has all disappeared.

There is a better way of doing all of this. My colleagues have talked about the need to take the process right out of the hands of MPPs or, in fact, out of the hands of the Premier and a couple of his henchmen and make it a much fairer process, make it independent, put it into the hands of the Commission on Election Finances and let it deal with it in a fair and public and open manner, allow it to look at other jurisdictions, allow it to make comparisons with other MLAs, MPPs, MPs, you name it, and have it come up with the recommendations that it should be allowed to implement for members of this House.

They have made recommendations in the past, and the government House leader has said they are unrealistic. I am not going to come here and apologize for my salary. I do not think any of us should. I think we work hard. We do very important work on behalf of the province. We

have no need to apologize for what we make or what we should make as a consequence.

But I think it would be far more acceptable to the public and certainly acceptable to members in this House if we made that process independent, if we took it out of here and allowed an independent commission to do its work, set rates, implement those rates in a manner that is fair and equitable.

The present pay bill and the present process are not democratic. It is not fair. There is no consultation with other honourable members in this House who deserve consultation and input into this very important process.

Because it is not fair, I find it totally unacceptable and will not support it, nor will I support any pay bills that continue in this same manner without consultation and input in an independent manner of determining our pay.

Mrs Marland: I do want to comment on the previous speaker's presentation on this subject. Suffice to say that I agree totally with the member for Sudbury East. Also, I agree totally with the member for Hamilton East.

I think that no matter how we look at this issue of money, it is distasteful that we have to stand here and debate it. I think it is just as distasteful when the federal members do it, municipal members, anyone who is elected, who has to stand up, discuss and then vote on his or her own salary. It is totally inappropriate.

It is an archaic system and it does not matter which way we look at it, it is wrong. Frankly, I think the fact that the former government did not do any better job at this than the current government means that this is not a partisan comment on my part. I am simply recognizing that if people work 80 or 90 hours a week, as most of us do—I do not know what percentage of individuals in this current House have other financial income. I do not read their conflict-of-interest filings, so I do not know what anybody else earns and I am not concerned about what anybody else earns outside of this House.

That is their business and it was their business before they came to this House, so just as I do not agree with some of the conflict-of-interest questions on the filing statement, I do not think that it is of any interest to the public either what people earn or did earn or what private holdings they have in other sources of income.

What I do think is of importance to the public is that an independent commission set these salaries and that they are fair and equitable for the work and the hours of commitment, and that if we are good, conscientious, elected members

serving the public, then there should be compensation that is appropriate for that.

Mr J. B. Nixon: Whether you agree with the level of benefits and payment we receive or you disagree with the level, is something that is being debated in the House today. I think it is entirely appropriate that it be debated in the House. It may not be a subject that we all want to talk about, but we were all elected, as I see it, to be responsible to the taxpayers for the stewardship of their moneys, and accountable.

There is no sense whatsoever, in my view, in passing this, the responsibility, off to a third party to arbitrate on a money matter which is central to all of us as we sit here in the Legislature, elected to be stewards of the taxpayers' moneys. Giving it over to a third party makes it far easier to pass off and accept as some sort of objective reality, but it puts us in the invidious position of saying, "Don't blame us for our salary increases, the independent commission did it."

We have to discuss it. We have to vote on it. It is the only way, in a democracy, that pay increases can be dealt with.

Mr D. S. Cooke: I would just like to compliment the member for Sudbury East and point out to the member for York Mills that whether he is right or wrong, I just do not understand why the Premier did not take the same position when he was in opposition, when he supported a third-party setting the wages of the Legislature.

The Acting Speaker (Mr Breaugh): Further comments or questions? Seeing none, does the member for Sudbury East care to reply?

Miss Martel: I would only say that I would accept the recommendations of the commission. I would have no problem doing that, because I would certainly find that process a hell of a lot fairer than the Premier of this province determining my pay without any input at all from honourable members in this House.

It is interesting to note that some of those people who are probably most responsible for setting the pay of members in this House are not here tonight to participate in the debate and explain to us why the rate is set in the manner that it is. That is unfortunate, because I, for one, certainly would have liked to hear the Premier explain to me why the pay was being set in this manner.

The Acting Speaker: Before we do proceed, I wonder could I just remind members there are a fairly large number of members in the chamber

and there seems to be a lot of private conversations going on. The net result of 80 private conversations is rather distracting, so would you please be mindful that while we are not attempting to forbid private conversation in the chamber, if you could just keep it down a bit so that we could hear the proceedings. I am suppose to listen attentively to each word that is spoken. It is sometimes difficult to do that.

Mr Kormos: This is a diverse enough group of people that there are people here who, I am sure, have been elected and who have suffered cuts in income. There have been more than a few people elected here who thought they died and went to heaven because no way were they going to make the kind of money they are making here in the jobs or careers they had. There are a few people, at the very least, who are so independently wealthy that they are aloof of a whole lot of what goes on in the real world for a whole lot of working people across Ontario. The Premier, I am told, is among them.

But the real issue here is not the 5.5 per cent increase, because that in itself as contained in this bit of legislation, I suppose, is not particularly offensive to anybody; 5.5 per cent, give or take a point, is probably a fairly reasonable reflection of the inflationary effect over the last year or the erosion of the pay dollar by virtue of increases in the cost of living.

2130

What is really at issue here—and there is a quality of porcinity to this legislation, which is inherent not in the 5.5 per cent increase but in the fact that even more people are being added to that roster who receive the perks. I follow the member for Hamilton East, for instance, with a most eloquent and articulate and pointed comment on the whole issue. These are, to the bulk of members of the community, hidden perks. I mean, I thought I had fairly carefully gone through the list of 94 Liberal members here and thought I had done well by coming up with some 70, 75. I was aghast at there being 70 to 75 of these Liberals who were getting above and beyond their basic MPP salaries by virtue of the perks. Now I find out this afternoon that I had low-balled it. Indeed, I am told that there are over 80, other than for a handful of Liberals. Now, those Liberals should be pretty resentful about the fact that they are being left out. Perhaps the easiest thing to do would be for those few Liberals who are not getting extra grease to merely stand up so they can be identified and the sense of compassion can flow.

Is that really to be less than expected from these people? I am sure not. Once again, it is not the 5.5 per cent increase; it is the fact that they want to add to that roster of people who are going to get extra grease, more perks. Deputy chairs, committee chairs, those sorts of things are going to add to the number of people who are getting that extra little bit of gravy now. No two ways about it, there are going to be members of the New Democratic Party; a few too are going to be thrown into the pot. A couple of Tories, a couple of members of the Progressive Conservative Party, are going to be thrown into the pot.

Let's make no mistake about it, the purpose of the legislation is not to accommodate the New Democrats or the Progressive Conservatives; it is primarily to accommodate those few forlorn and forgotten and woeful Liberals who have not yet got their piece of the pie. If you have to encompass a couple of New Democrats and a couple of Progressive Conservatives at the same time, well, then, so be it.

Close to 100 per cent of that whole Liberal caucus, all 94 of them, getting perks above and beyond their basic MPP salaries. Do we expect it from these people? Of course we do. This is the Liberal Party that just went on the junket to Italy; not one, two or three people, but the Premier and a whole gaggle of Liberals. That was not enough, because they had to bring along their retinue of sycophants with them. I mean, Johnny Arena—why? To cook up hamburgers late at night in case they got hungry? Come on.

A whole gang of them touring through Europe, traipsing through the Alps and wherever else they could manage to find the finest, and the finest they did find. So can we expect this type of legislation and that sort of attitude from these people? You bet your boots we can, Mr Speaker.

We want to talk about grease? We want to talk about intellectual dishonesty? I mean, the only time Patti Starr and her hundreds of thousands of dollars of charitable funds became an embarrassment was when they got caught. Until then, it was just fine. It was more than acceptable. The money was not just banked, but quite frankly, it was spent and spent well.

We are not talking about pickpockets here. We are not talking about purse snatchers. We are talking about people here who will grab taxpayers, turn them upside down by the ankles and shake every last penny out of them. If their fiscal policy, their tax policy does not illustrate that, well, then, nothing does.

I have no use for this kind of legislation, no use at all. It is intellectually dishonest. It betrays an

inherent corruption. Do members know what confirms that? It is the complete absence of any Liberal participants in this debate. There does not appear to be a single member of that Liberal government who wants to either defend or be associated with Bill 91, this pay bill greasing but more Liberals, as if they were not greased enough already.

It is a shame. It is a shame because this bill betrays a hypocrisy. This bill betrays not just the porcinity that I spoke of earlier, but a hypocrisy. Do members want to see where the hypocrisy rears its head? It is in the contrast between what the Minister of Financial Institutions, the Chairman of the Management Board of Cabinet (Mr Elston) said earlier today. He puffed his chest out and he took some great pride in telling this Legislature and in telling the province that he was going to do something that he was very proud of. What he was going to do was to provide for annual adjustments of judges' salaries in line with an index of average industrial wages to a cap of seven per cent, and furthermore, he and these Liberals over here were going to establish a Provincial Court Commission as a body to review and make recommendations every three years regarding judges' compensation.

It is incredible that sauce for the goose ain't sauce for the gander. Why? Because they are the gander—perhaps the turkey; I am not sure. But it remains that what they see as appropriate for provincial judges in terms of the acceptability of an independent, external body deciding on remuneration, they do not see as acceptable for members of this Legislature. The reason is that element of independence they find offensive, because the pot ain't there for them to get their hand into it. The cookie jar ain't there for them to get their paws into it.

I am reminded of a nursery rhyme. "This little pig went to market. This little pig stayed home." These little pigs came to Queen's Park and they are just oinking away and stuffing as much into their pockets as they can and they will run with it as far as they can.

I tell members this: The taxpayers of Ontario are not proud of what the Liberals are doing this afternoon or this evening. I am not proud of what the Liberals are doing this afternoon and this evening. I will have no part of that corruption and I will vote against this piece of legislation. Why? Because it is bad legislation. It is corrupt legislation. It is dishonest legislation and it is legislation that is being promoted and that is going to be voted for by a party that has similar qualities.

Hon Mr Ward: I have listened very carefully to many of the points that have been made over the course of the debate and I have found them quite interesting, to say the least. Having participated in these kinds of discussions, not only here but also at the municipal level, I know there is nothing that members find more discomfiting than the fact that they have to be held accountable for the salaries they set for themselves.

Now, some people do not like that. I have heard it suggested that we should put this out and accept without question the recommendations of a group that is appointed by each of the political parties. I quite frankly think that most people in this province would find that even more distasteful than an open debate among members of the Legislature because, after all, each of us is answerable for the decisions that he makes.

Another point I would like to make is that there has been, I think, a more than adequate opportunity for consultation on these issues. I think all members of this Legislature have felt quite free over the course of certainly my time here to make their views known on this issue. This issue is being debated in the appropriate forum for all to see and for all to hear.

A number of members have taken issue with the fact that we are creating new, additional indemnities that I think recognize additional responsibilities that some people around here have. It is true that this bill creates 17 new additional indemnities, seven for members of the government and 10 for members of the opposition, which frankly I think, when one considers the proportion of representation around here, is not too bad.

Interjections.

The Deputy Speaker: Order, please.

2140

Hon Mr Ward: It well may be that they may not feel those they have appointed or elected to those positions in their caucuses are worth it, but I leave that for each of the caucuses to settle as they discuss this.

The last point I would like to make is that I have sat in this Legislature when the bill has been, I believe, introduced within the last eight days, and I have seen these bills increasing salaries have the rules waived so that they could get a second and third reading within a given day.

This bill was introduced prior to the cutoff for all legislation established by the standing orders. It does create additional indemnities that I think reflect the changes in the new standing orders, and I would refer my friend the member for

Hamilton East and my friend the member for Welland-Thorold (Mr Kormos) to the provisions of the new standing orders, particularly as they relate to the responsibilities of the committees and to the responsibilities the vice-chairmen will have under the new rules, where they will in fact sit at times when the committee itself does not.

There has also been talk about additional indemnities and additional forms of compensation, and I can tell my friend that I have sat in this House as a backbencher, as a parliamentary assistant and as a member of cabinet and I know full well, as a matter of fact, that the tax-free allowance given to committee members does form a very substantial part of compensation. I notice that much of that was ignored during most of the discussion.

I want to assure my colleagues that we have had, I think, a good discussion over the course of the past several months in an appropriate forum. We have considered a number of options that were made available to us. We are in fact held accountable for the decisions we make and I think to the people of this province an increase of 5.5 per cent, given the current fiscal environment, is both responsible and appropriate.

The Deputy Speaker: Mr Ward has moved second reading of Bill 91.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1989

Consideration of Bill 91, An Act to amend the Legislative Assembly Act.

Hon Mr Ward: All members have a copy of Bill 91 that indicates that it is reprinted to show amendments proposed by the government House leader. I wish to advise the members, as I know all House leaders are aware, that at the time of introduction of the bill, although the compendia that were distributed and the information that was provided to members was accurate, unfortunately I believe legislative counsel, in formally tabling a copy of the bill within the House, used the first draft of many that were discussed over a period of several weeks. I believe legislative counsel has advised all parties that was done in error and it is suggested that to correct that error we use the reprinted bill and amend it appropri-

ately by calling the sections of the reprinted bill, providing we have unanimous consent to do so.

The Second Deputy Chair: The honourable minister has indicated that he would like to proceed with the reprinted bill and has sought unanimous consent.

Agreed to.

The Second Deputy Chair: Then dealing with section 1 or any sections thereafter, are there any comments or questions on any section?

Mr Harris: I understand we are now dealing with the bill as amended—

The Second Deputy Chair: Yes.

Mr Harris: —and that does not need to be read into the record?

The Second Deputy Chair: No.

It appears that there are no questions or comments.

Mr Harris: I just want to understand. I just finished debating a bill that was quite different from the one now, but as long as that is acceptable, I am comfortable with that. I am not asking that it be read into the record, I just want to understand that we are now dealing with the reprinted version of the bill. It is the one that says, "Printed by Dennis P. Caplice, Queen's Printer for Ontario." It is the first time I have ever seen that. It is not on most of the bills, so if members have Caplice, who is a very fine civil servant, by the way—

Interjection.

The Second Deputy Chair: That is my understanding and I think there was full agreement that is the bill we are dealing with.

I take it there is unanimous consent; no objections.

Sections 1 to 10, inclusive, agreed to.

Bill, as reprinted, ordered to be reported.

UNCLAIMED INTANGIBLE PROPERTY ACT, 1989

Consideration of Bill 86, An Act respecting the Custody of Unclaimed Intangible Property.

Mr Wildman: I was just wondering if the intangible property referred to in this bill is the cut in the caucus chairmen's salaries from the previous bill.

The Second Deputy Chair: Are there any comments by the parliamentary assistant representing the Treasurer?

Mr Laughren: I am not representing the Treasurer.

The Second Deputy Chair: I know you are not. I thought it might be worth while to have a government spokesperson, but that not being the case, the member for Nickel Belt.

Mr D. S. Cooke: If there is no one there who is carrying the bill?

The Second Deputy Chair: I was just trying to canvass that.

Mr Wildman: It is obvious that the government does not want to proceed with this bill, so let's move on to something else.

Mr Polsinelli: I am advised that the parliamentary assistant to the Treasurer is presently serving in committee. He should be up in about 30 seconds. My understanding is that the government has no amendments with respect to this and perhaps the opposition parties would like to comment on it first.

The Second Deputy Chair: The member for Middlesex now being in attendance, we are dealing with Bill 86 and we were canvassing whether the government has any comments about Bill 86.

Mr Reyecraft: Since the bill was referred to committee of the whole last week, there have been communications between various organizations that represent holders of unclaimed property under the legislation. We believe that the concerns that have been expressed so far are either addressed in the bill or can be addressed through regulations. Therefore, we have no amendments to the bill to present this evening.

Mr Laughren: The government has no amendments, the official opposition has no amendments and I believe the third party has no amendments. Therefore, I think one can assume that this bill was sent to committee of the whole to have a more specific discussion of it.

The reason that I support the presence of this bill in committee of the whole, since we did deal with it quite fully on second reading, is that there is a sense out there in the financial community that they have been snookered by the government on this bill.

2150

You could pick any section of the bill that you like and I would make these comments appropriate to that section; namely, that—I notice the chairman is frowning. What I meant is that the financial community feels that when it comes to a specific discussion of this bill with the government, it has not had it.

What happened was that earlier this year the banking community was approached by the Treasury officials looking for suggestions for an

unclaimed intangible property bill. The financial community indicated support for such a bill; namely, one that would deal with unclaimed property in financial institutions so that it would be turned over, if it was unclaimed, to the public trustee and the public trustee then would be responsible for finding the rightful owner or the owner's heirs.

That was the last the financial community heard of it. If we are to believe what members of the financial community says, and I have no reason not to believe them in this case, the Treasury officials said, "All right, these are our proposals, generally speaking." The impression I get is that Treasury officials said, "Before anything definitive happens, you'll be consulted."

Then last Thursday 14 December 1989, in the year of our Lord, the financial institutions were then approached by the Treasury officials, asking them about the bill. In fact, the financial institutions really had not had an opportunity to deal with the bill and at that point to have a meeting, the financial institutions, the Canadian Bankers' Association, to be particular, felt that it was not fair to have this laid on them at the last minute.

I believe what the parliamentary assistant to the Treasurer must tell us this evening is what went wrong. Why were the financial institutions, and I am not just talking about the Canadian Bankers' Association, I am talking about the trust companies, the caisses populaires and the credit union movement, not further consulted about this bill? Why was the financial community led to believe last summer, in August, I believe, that there would be further consultation on this bill and then were told nothing more about it until it is called for second reading basically? I may be out a day or so, but that is their complaint.

What the financial industry now wants is that this bill go out to a committee for hearings so that it can present its concerns about the specifics of this bill. I do not think there are many of us in this chamber who pretend to be experts on all aspects of the financial industry, so I do not think it is appropriate to say that is what we are here in committee of the whole for. If the financial community has not had an opportunity to present its case adequately to the opposition and to the Treasury people, surely it is not appropriate.

I support this bill in principle, and that is what is so strange about this whole thing. The financial community supports the bill as well. They are not opposed to the principle of unclaimed property being turned over to the public trustee and then back to the rightful owners. That is not the point.

The point is why this government has failed to appropriately consult with the financial community. I do not understand that.

This bill was not presented to the chamber most recently. I do not have the actual date in my head, but it was not very long ago that this bill was presented to the chamber, so I am not surprised that the financial community is angry about what this government has done. I would very much like an explanation from the parliamentary assistant as to why the banking industry and the credit unions and the trust companies feel that they have been so snookered by the government.

What I find so puzzling is that surely there was not a lot at stake here. There was nothing to gain by trying to stickhandle around the financial community on this bill, particularly since it is in favour of it in principle. They state that in writing, that they are not opposed to this bill in principle but they have some very grave concerns about the content of it and they are quite specific about that as well.

I think that the parliamentary assistant to the Treasurer, particularly since we passed the bill earlier which gave him a raise, owes the assembly and the financial community an explanation as to why the government has engaged in this process, why it has not dealt more directly with the financial community on this bill. I am really puzzled as to why the government has dealt so abruptly with those people who are traditionally viewed as being its friends.

Mr Harris: I do have a few opening comments in response to the opening comments of the parliamentary assistant, particularly to the fact that he indicated in his opening comments that he does not have any amendments. I would limit my remarks to a very brief discussion on that point, but as has been pointed out by the finance critic for the New Democratic Party, we are a little surprised that there were not some amendments, or in fact that the parliamentary assistant did not come forward and say: "I think we're a little hasty here with this bill, you know. It was only introduced December 5, and the banking association, the trust company association, the Canadian Federation of Independent Business and the credit union association really haven't had an opportunity to look at the bill."

It is a very technical piece of legislation, with some very technical drafting, and of course our experience with this government's ability to do the difficult drafting with any sense of accuracy has not been very good, as indicated by the

number of amendments that have come forward on government pieces of legislation.

If I might, I want to put a couple of things on the record and indicate that all of those who will be affected by this legislation are not happy with the timing, they are not happy with the lack of consultation, they are not happy with the government trying to whistle this through and I suspect that they are right, that the government, six months from now, when it tries to draft regulations and then starts to consult with the industry, will say, "You know, we were a little hasty in whipping this thing through before Christmas, we may just have to look at it and make amendments and do the thing properly." as we would suggest it should be done in the first place.

My recommendation is for the parliamentary assistant today to stand in his place after my comments and say: "I agree with the two critics, I agree with the Canadian Bankers' Association, I agree with the Trust Companies Association of Canada, I agree with the Canadian Federation of Independent Business"—which, by the way, says they first saw a draft of Bill 86 last Friday. Today is Monday. They are not very happy about that, and they agree with those who will be affected by the legislation, who all say they support the principle. All three parties have supported the principle, but I would think the parliamentary assistant could show a great deal of independence, could show a great deal of courage, could actually do what I think would be the right thing and just stand up and say: "Mr Chairman, I don't want to proceed with this bill at this time under these circumstances. I suggest that we let it drop now in committee and that we take the time to consult."

I do not think it is necessary to go out to public hearings on this particular piece of legislation, because this is not the type of legislation that most of the public will understand.

2200

As responsible critics, all we have asked the interested parties to do is to say: "Have you had a chance to look at it? Do you have comments? Has the government given you the time and satisfied you that your views have been heard and that those concerns have been addressed?"

All that is required is to take the time to do that. If the government will not, the minister will not and the parliamentary assistant will not, we could insist on public hearings, which is not the appropriate vehicle for all pieces of legislation and, in my view, is not the appropriate vehicle for this particular piece of legislation. It is

technical; it is difficult for the public to understand; it is not particularly far-reaching to large numbers of the public. It affects the actual institutions that are handling their funds, and what we are dealing with are defunct accounts and whether they will remain with the trust companies, the banks or the lending institutions, or whether they will revert to the crown.

I support the principle of individuals having a lifetime opportunity to make their case and lay claim to those assets that may be there.

I point out that the Trust Companies Association of Canada wrote first on 14 December to the Treasurer expressing concerns about the short notice on this bill, about the lack of notice that the government intended to proceed before Christmas, and asked for some time. The Treasurer said: "Sure, you've got time. Come in today. Come in today and meet with us." The association indicated by way of letter:

"Not only is it impossible for us to attend a meeting on such short notice, but more importantly it is, as I explained in my earlier letter, impossible to provide constructive comments on the bill when there has been insufficient time to study its provisions and their impact on trust companies and other companies."

On 15 December—I mean, this is one day apart, you know, just before Christmas, when these associations have better things to do; most of them, I think, are attending Christmas parties all across the province. I think that is primarily what they do at this time of year—John Evans, president and chief executive officer, on 15 December, one day later, says in another letter:

"Dear Mr Nixon:

"As promised in my letter to you of yesterday's date, I am forwarding some preliminary comments on Bill 86, An Act respecting the Custody of Unclaimed Intangible Property. I have had no response from you concerning my letter. However, I remain hopeful you will understand the importance of referring the bill to a standing committee so that there will be sufficient time for interested parties to study the bill in depth and make their views known to the members of the Legislative Assembly."

I can understand why he would want to proceed that way. I would suggest that if the government held this bill and allowed the input to be received directly by the Treasurer, the parliamentary assistant and the Treasury officials, copy to the critics, that would be more efficient use of legislative time and this could be dealt with early in March when this Legislature resumes.

Again, they make the case that proper consultation on the provisions of the bill has not been made. They make some preliminary comments, which the Treasurer and the parliamentary assistant have and I will not go into detail on those.

The Canadian Bankers' Association, 18 December, today, marked "Urgent," sent this letter to my colleague the Finance critic, who is currently, as I speak, analysing a number of very complex financial situations dealing with this government and preparing extensive and lengthy remarks that he will be making in this House tomorrow in response to the number of Treasury bills that will be debated. Because of the pressures of dealing with all these bills towards the end of the session, including a number of Treasury bills to be dealt with tomorrow, I know my colleague the member for Cochrane South (Mr Pope) is preparing his remarks for those and cannot be here this evening.

However, he received this letter:

"Urgent. Dear Mr Pope:

"Re Bill 86"

"I understand Bill 86 may be called for consideration by the committee of the whole this afternoon. For this reason, I am writing to inform you of the position of the Canadian Bankers' Association."

He goes through the same concerns. On the 14th and 15th, last week, when it became apparent that the government planned to proceed with this bill, they raised their concerns. They are requesting that the government bears in mind that the banking association has concerns about this legislation; not the principle, which it supports, but the way the legislation is worded, the drafting of the legislation and concern about how it will actually be implemented.

Some of the concerns, by the way, deal with the cost to administer this particular piece of legislation. I know that is not something that is of particular concern to this Liberal administration when it has dealt with any of the other pieces of legislation, witness rent control and a number of bills the Attorney General (Mr Scott) has brought forward. Cost does not seem to be any concern in how legislation is administered or whether it is technically feasible to administer it.

From the responses I have had from Treasury officials, many of whom I or that the member for Cochrane South or our research people have had the opportunity to talk to, I am aware they feel that the banking institutions and the trust companies simply want to delay the bill because there may be some financial penalty to these

institutions as to how long they may have deposits and whether these will accrue to the banking institutions themselves.

I respect the fact that this is one of the impacts of this bill. However, they assure me that they do see the necessity for the bill and they are eager to see it proceed. They simply want to make sure that once the funds accrue to the crown, that liability for how that is handled from the banking point of view is cleared up. They want to also look at the costs they are going to have to bear to comply with the legislation. In fact, if they have suggestions as to how the government can more efficiently administer this bill and how they can more efficiently administer this bill, that will surely mean less cost for the taxpayers and less cost for those clients of those various institutions.

Because those experts who understand this legislation have not been given time to actually propose amendments, unlike the government, they do not want to propose something hastily that may require redrafting. That is not something that has stopped this government from proceeding before, nor it appears even today, but I think it is a responsible position on their part.

For that reason, while I do not have amendments to put forward, I would respectfully suggest that the parliamentary assistant show some initiative and some respect for those who will be affected by this legislation and suggest to the chairman of the committee that we not proceed with this particular bill but that in fact we do the responsible thing and allow the input that ought to be there and deal with this legislation when the Legislature resumes in March.

The Second Deputy Chair: It is my understanding that there appear to be no amendments.

Mr Reyecraft: I want to respond to some of the questions and suggestions that were put forward by representatives of the other parties.

The member for Nipissing has suggested we should postpone the implementation of the bill and decide it should not go forward with speed. I want to remind him of the purpose of this legislation. Its purpose, very clearly, is to get unclaimed property back to its owners. All over Ontario there are millions of dollars sitting in banks and resting with insurance companies and other financial institutions—money that has been forgotten by its owners.

We want to put in place something that exists nowhere else in Canada; that is, a system that will allow us to let the owners of that property know about it and get it back into their hands, and we would like to proceed with that as quickly as possible.

2210

I agree with the member that this legislation is technical and that to a layman it can be difficult to understand. That is exactly the reason why this legislation was several months in coming to the Legislature after it was first announced in the budget. The officials with Treasury have conducted an extensive consultation with interested groups and within the government as well. There was no model in Canada that we could turn to to build an Ontario program on. We had to look elsewhere.

Certainly, as Treasury officials proceeded with the consultation and as they drafted the legislation, they made it very clear to interested organizations that they would be basing it on legislation that existed in the United States, so I do not think the kind of legislation that has been placed before the assembly should be a great surprise to any of the affected organizations.

Mr Reville: In overtime, one goal does it.

Mr Reycraft: Well it depends, I say to the member for Riverdale (Mr Reville), whether it is sudden-victory overtime or not.

I want to say that last Wednesday, when we had the second-reading debate on the bill, the member for Cochrane South indicated to me and to the Legislature that he had been contacted by the Canadian Bankers' Association and perhaps others, and had heard concerns expressed about the bill. It was in response to those concerns that I spoke with him after the second-reading debate and he indicated to me that he had advised the association and others that they should contact Treasury officials and make their concerns known to us.

Our officials followed up on information that had been provided to us, contacted the organization and asked if it would advise us of those concerns. They indicated to us, I say with regret, that they felt much more time was needed if there was going to be a meaningful consultation and that they could not advise us of their concerns in just a few short days. That was despite the fact that they were consulted on a number of occasions before the legislation was finally drafted.

The member for Nickel Belt (Mr Laughren) talked about the fact that the bill was not made available to the interested institutions before it was presented in the Legislature. I am sure he would have been the first to object had it been shown to them first. This really is a budget bill and the tradition is that it is not made available to other organizations before it is introduced in the Legislature.

Our officials in Treasury started very quickly after last spring's budget to conduct that consultation of which I have talked. They consulted with a number of different organizations. They consulted officials with other ministries to try to make sure that legislation that was put before the House was legislation that would work. We have reviewed the concerns that have been forwarded to us to this point and we believe this is legislation that will work.

The Second Deputy Chair: It is with a great deal of pleasure that I recognize the member for Nickel Belt.

Mr Laughren: Mr Chairman, just being recognized by you is equally pleasurable.

The parliamentary assistant did not answer a couple of questions. First of all, I should not have to straighten him out. This is not a budget bill. This was not introduced until December so it is not a bill attached to the budgetary process that occurs in the spring every year.

Secondly, let me read to the parliamentary assistant exactly what the Canadian Bankers' Association said in its letter of 18 December.

"On the morning of Thursday 14 December an official in the Treasury ministry contacted the Canadian Bankers' Association to request a meeting later the same morning to obtain banking industry comments on Bill 86. The Canadian Bankers' Association declined to arrange a meeting on such short notice and indicated that it did not feel that a meeting with officials would be productive at that time."

I am sure the Canadian Bankers' Association felt it had a legislative gun to its head since second reading of the bill had already been completed on that date, and what was the purpose at that point, unless the bill was going to be referred out to a committee for some kind of debate. So the arguments the parliamentary assistant uses are specious at best.

What is the rush in this case? Is there something magical about the end of the calendar year 1989 regarding unclaimed property? I find it hard to believe that is the case. Since there has never been legislation dealing with unclaimed property, why the unseemly haste at this point, since the legislation is in effect retroactive anyway? It deals with all property that has not been claimed up to the point that the bill is proclaimed. It is not a question that if we do not get it through now, people will not be able to get their property. That is not the point at all.

Why is the parliamentary assistant not prepared to sit down and consult in an appropriate manner, with time for interested parties to

prepare their case, and, since he said he did not want to show them the bill ahead of time, with time for them to look at the bill in some kind of detail and talk it over with members of the Treasury and Ministry of Economics to see just what their concerns are?

It is quite possible, since both opposition parties support the bill in principle, that little or nothing will have to be changed in the bill. But the point is that the government has to engage in meaningful consultation on legislation such as this.

Mr Harris: Very briefly, I just indicate that obviously none of our protestations on behalf of all those who will be affected by this legislation are going to have much effect on the parliamentary assistant. I expressed my concern over that. I think the quickest route to the cabinet table is to show that independence and make a quick-on-one's-feet decision that is in fact in the very best interests.

I suggest one final, last plea to the parliamentary assistant. He has responded that if there are still concerns, we will hold up the proclamation for a period of time or we will hold up sections of the proclamation.

Mr Reycraft: I didn't say that.

Mr Harris: All right. That is what he suggested to me earlier.

If the government is going to hold up proclamation waiting for the input, why not wait and see if in fact the bill needs any changes in the drafting, because we are talking about the same period of time. I do not want to say, "I told you so," when you come back here in March and say: "I just need a couple of little changes to this bill. You are all in favour of it anyway. We will do it."

I fear the parliamentary assistant, the Treasurer (Mr R. F. Nixon) and the officials in the ministry will be so embarrassed that they will muddle through with a flawed piece of legislation and try to correct it by regulation rather than coming back and fixing up the legislation, which is what probably will have to be done.

2220

So why would the parliamentary assistant say, "Oh, we will hold up proclamation until we have had a chance for the input"? Really, that is holding a gun to the head and saying: "It has already passed third reading. We can proclaim it whenever we want." I do not think that is a fair way to deal.

Secondly, we probably are talking about the same amount of time. Why not have the

consultation in the proper order and in a consultative way?

This is my last and final plea to the parliamentary assistant, that they do take a little time on this and make sure that in fact we will be dealing with a piece of legislation that is drafted properly.

Ms Bryden: I really feel that I must stand up and say that this is another example of the provincial Treasurer's attempt to turn this Legislature into a rubber stamp and not consult people who are affected by legislation. It is absolutely shocking that a so-called Liberal government is dragging through bills without even letting people know about them and trying to put them through in the dying days of a session. I think it will go down on the record as part of this Liberal government's departure from true democracy.

Mr Reycraft: I want to say, first of all, to the member for Nipissing, that we have proceeded very cautiously and very deliberately in drafting this piece of legislation. We believe that this piece of legislation is workable.

I want to say to them that there are some safeguards in the bill and in the process that will address any situation we may not have contemplated.

First of all, there is of course the matter of the option of delaying proclamation, which he has indicated. Section 48 of the bill indicates that it comes into effect "on a day to be named by proclamation of the Lieutenant Governor." Subsection 9(2) of the bill represents another safety valve. There is provision there for the public trustee to provide additional time, if he is convinced that it is required, for a holder to transfer unclaimed property to him.

As well, as we proceed with the drafting of the regulations, we assume that we will be able to deal with any other minor concerns of which we have been made aware at this point.

With respect to last Thursday's date and what has been said about it, I want to say that it was during the second reading debate on Wednesday that the member for Cochrane South (Mr Pope) indicated to me and to the Legislature that he had received some concerns. He indicated to me after that debate that he had talked to the organization, had advised it to contact the Treasury to make its concerns available to us and, further, that he fully expected that this legislation would become law before Christmas.

By Thursday morning no such contact had been made by the organization with any of the Treasury officials and I asked the officials to contact the organization themselves to invite it to put its concerns forward. They indicated at that

time that they preferred not to do so on such short notice, and I think that is regrettable. I would like to have had the opportunity to look at their concerns, but unfortunately they chose not to put them before us.

Again, I want to say that it is our desire to proceed with this legislation quickly so that we can put in place the process that is going to be needed to start returning unclaimed property that exists in many different locations and in many different amounts around the province, to get that property back to its real owner.

The Second Deputy Chair: Still dealing with Bill 86, An Act respecting the Custody of Unclaimed Intangible Property. There was an indication that there were no amendments. All participants who wanted to partake in the debate appear to have had their say.

Sections 1 to 49, inclusive, agreed to.

Bill ordered to be reported.

COURTS OF JUSTICE AMENDMENT ACT, 1989

Consideration of Bill 62, An Act to amend the Courts of Justice Act, 1984.

The Chair: I want to list the sections to which members would like to address comments, questions and proposed amendments. I have received a list of five government amendments to section 1, one third-party amendment to section 1 and none from the official opposition. Do other members wish to add something?

Mr Cousens: I want to speak to a number of sections of this bill: under subsection 136(2) of the act, paragraphs 2, 3 and 6; and on subsection 136(5). There are numerous sections in this bill that I would like to comment on as we go through and solicit comments back.

Mr Chairman, just while you are getting ready, I recently saw the Attorney General in the House, was pleased to see him here at this late hour and hoped he might be carrying the bill, inasmuch as it is such an important bill. I see now that the parliamentary assistant, a very qualified and capable man, I am sure, has moved into the chair but, inasmuch as it is the Attorney General who makes all the decisions, I would have liked very much to have him participate in this debate. Is there any chance that he will be here and participating?

The Chair: I just chair the committee of the whole House; I certainly do not send out invitations for members to participate.

Mr Polsinelli: The Attorney General came in to greet the House as it endeavoured to work

through a number of bills at this very late hour. Unfortunately, he has certain other commitments. Since this is a fairly technical, minor bill, he felt that we could deal with it ourselves.

The Chair: I have a government proposal. Would you confirm the official opposition has got no proposed amendments to Bill 62? No?

Mr Cousens: Have the government amendments been circulated? I certainly have no other copies of any amendments.

Mr Polsinelli: The government amendments have been circulated to both of the opposition critics. The member for Carleton (Mr Sterling), who is the Justice critic for the third party, has received a copy; and the member for Welland-Thorold (Mr Kormos), who is the Justice critic for the official opposition, has received a copy.

The Chair: Have the tables received copies? Yes?

Mr Polsinelli: Perhaps as an introductory remark I can indicate that these are technical amendments that are a direct result of Bill 2 and Bill 3 being passed by this House. Bill 2 and Bill 3, the House will remember, are the court reform bills. At the time this bill was introduced, Bill 2 and Bill 3 had not been passed yet and therefore these amendments are required to change the names of certain counties, districts and certain other things as a consequence of Bill 2 and Bill 3. They are strictly technical amendments and are not substantive in any way.

The Chair: Are we ready to start and proceed? I have a government amendment to subsection 136(2).

Mr Cousens: Before we get into that, if I may, I would like just to get an answer back from the parliamentary assistant on those areas that previously were "designated courts." Could he just give me some background? When they were "designated courts," what cost was brought in once they were designated? Is there any idea of what the cost was on that? I know it is a continuation of that, but I would be interested in knowing just what the cost was. Is that relevant? Can he give me that? I would be interested in that data.

2230

Mr Polsinelli: Perhaps the member for Markham (Mr Cousens) can be a little more explicit in his request.

Mr Cousens: When we read the explanatory note at the very beginning of the bill, we note that it says, "The concept of the 'designated court' is no longer necessary because trials before bilin-

gual judges have been available in all courts throughout Ontario since January 1987." That is a given and it is accepted. I just wondered, was there any cost to that once it was put together? The reason I am asking this is that on many other occasions I have asked the government for the cost of certain services. I support that service. I just wanted to know how much the cost was around it when it was implemented, if he could possibly share that with us.

Mr Polsinelli: I still am having some difficulty understanding the question; however, the member would know that just about in anything the government does there are costs associated with it. I am not sure of the extent of his question or the specific request he is making. However, I would indicate that the concept of "designated court," as is explained in item 1 in the explanatory notes, is no longer necessary since judges have been available in all courts throughout Ontario since January 1987, and since 1987 they have been providing those services.

Mr Cousens: I will pass it by. I wanted to know whether he had those costs handy and if he did, I would be glad to have them; so, no further questions on that part.

The Chair: May I take this opportunity to remind members, even though this is the committee of the whole House, to wait until they are recognized by the Chair before starting to address their remarks. I know that everybody is eager to talk, but let us do this right. Any more comments before we start proceeding with proposed amendments?

Mr Cousens: The only point I make is that for anything we are doing, I think it is important that the government really understand the cost of those things, and that is why I was asking the question. I am satisfied that the honourable parliamentary assistant does not have that number; and therefore the question stands but the answer is not available.

The Chair: Are we ready to proceed with the proposed amendments? The first one that I have is a proposed amendment to subsection 136(2) of the act and section 1 of the bill.

Mr Polsinelli moves that subsection 136(2) of the act, as set out in section 1 of the bill, be amended by striking out "a county or district" in the second line of paragraph 2, in the second line of paragraph 3 and in the first line of paragraph 6 and inserting in lieu thereof in each case "an area."

The Chair: Order, please. There are a lot of private discussions, please. Thank you.

Mr Polsinelli: As I indicated earlier in my opening remarks, all of these amendments are technical amendments resulting from Bill 2 and Bill 3. The names of these districts and counties have been changed by Bill 2 and Bill 3 and these amendments would use the same terminology in this bill as was used in Bill 2 and Bill 3.

Mr Cousens: I want to speak to the major part of subsection 136(2) of the act. I have no concerns with the way this amendment has been drafted. So before you, Mr Chair, go ahead and quickly pass subsection 136(2) of the act, I would like to speak to it.

Motion agreed to.

Mr Cousens: I wanted to ask the parliamentary assistant a question, and again, it is a question that I have had other people ask me, I do not really have the answer and I understand that with his experience in this office, he probably has the answer. Actually, I have two questions. First of all, what is the test of fluency when you talk about a person who speaks English and French? Is there any way in which the courts have a method of saying a person is able to speak French or English? Is it the person's own statement on it, or is there some methodology that helps the court determine who it is they are really talking to, whether the person is francophone or anglophone? I ask that out of a sense of really wanting to know.

Mr Polsinelli: I must say that that is a good question. I do not have an appropriate answer to it, but I would assume that within the judicial system there is some mechanism in terms of determining whether or not an individual is fluent in the French language. I know that the Civil Service Commission has its own teachers, appraisers or the like who go out and actually do assessments to determine the fluency of individuals and do so rate them, within the commission.

I would assume either that that is extended to the judicial system or that they have some other system that is established that would determine a sufficient level of fluency in the French language.

Mr Cousens: I would be most grateful if the parliamentary assistant, in inquiring about this further with staff, finds that he could share with me at a future time what methods are used to test fluency in either English or French. I would be most interested in whether there is a methodology used within the courts.

The second question on that one has to do with the costs associated with subsection 136(2) and it really applies to the bill as a whole. Is there any

cost to implementing subsection 136(2) or this bill as a whole, and if so, how much has the government determined that to be and what is budgeted for it?

Mr Polsinelli: About a budget requirement for this, I can only answer that quite generally in the sense that I would assume that the costs for implementing this bill are presently within the estimates of the Attorney General. However, I would ask the member for Markham what the costs of justice, equity and fairness are. I think it is fairly difficult to put a price tag on those.

Mrs Marland: With respect, I think my colleague the member for Markham is asking the parliamentary assistant a very serious question. He is simply asking what the cost is of this legislation that is in the House this evening and that we are going to be asked to vote on.

I think it is a very responsible question. I think that if this government is drafting legislation, it should know what the cost and the impact are to the people of this province. I do not think that it is good enough that the parliamentary assistant stands up and sort of flippantly says, "Well, what's the cost of fairness and justice?" That was not the question.

The question was, what is the cost of implementing a particular section of this particular bill? If this Liberal government does not know the cost of it, and yet on so many other areas says it cannot afford the services that the people of this province need—and we could start very easily with the service of health care—then this government just continues to railroad its legislation that it is bound and determined to pass and does not care what it costs.

I would suggest that the reason it does not know is that it really does not care and tragically, that has been demonstrated by this Liberal government over and over again. The reason the question is being asked by my colleague the member for Markham is that he cares. Every one of us in the Progressive Conservative caucus cares. We worry about new legislation and the kind of budget that is required to meet it.

It is fine to say it is in the Attorney General's budget, but I am concerned about what is not in somebody else's budget. If this is in the Attorney General's budget and this is a priority for this government, why does it not say that? But if it means that at the cabinet sweepstakes another important budget—and it may well be health—is not in the budget of the Minister of Health (Mrs Caplan) because it is in the budget of the Attorney General, then that is the whole point of this question. We will very shortly tonight be

discussing Bill 47, and Bill 47 is a total copout on the provision of health care in this province. It is where suddenly the provision of health care is going to fall on the employers and ultimately the employees, where everybody will be taxed for health care. I suggest that if this government does not know the cost of this legislation and the impact of it on the provincial taxpayers through the overall Treasury of this Liberal government, then I do not think it is satisfactory to have no answers to very serious questions in terms of budget.

2240

Mr Polsinelli: Perhaps I misunderstood the question. If the members of the third party understood what this bill was doing, and I take it they do understand what it is doing, the only new thing it is doing is allowing lawyers to file documents in the courts in those designated areas in either of the two official languages. That is not an additional cost to the government. That is not an incremental cost.

Those other items that it is putting into statutory form that have been done since 1987 have been in the Ministry of the Attorney General's budget since 1987. If the member for Markham and the member for Mississauga South (Mrs Marland) wanted to know what those costs are, they have had notice of them for the past three years in the Ministry of the Attorney General's budget. If they had wanted a specific answer tonight as to what those costs have been, the normal procedure would have been to have given notice of those questions and that information would have been available.

But if it is a question of the incremental costs, there are no incremental costs. If it were the costs, as I understood them to be, of running those other services since 1987, I would have appreciated notice and I would have provided that information.

Hon Mr Bradley: They want to be against it without being seen to be against it.

Mr Cousens: I had a chance to speak on this on second reading this afternoon. I would like to go on record, once again, that our caucus supports the expansion of the services under schedule 1 and schedule 2 of this bill. Certainly, in that order, it is important for us to go on record again inasmuch as there is an innuendo floating about in this House that we do not support that.

Hon Mr Bradley: Well, it is true.

Mr Cousens: If other honourable members who are making insulting statements are not in their seats, Mr Chairman, I hope you would

cause them to either sit somewhere else or cause them to leave the chamber. There are two or three of them all over the place.

The point has been made and I make it again. The honourable parliamentary assistant does not have the answer. That is fine. We are used to that. We will proceed to the next item.

The Chair: Are we ready to look at the second proposed amendment? I think the parliamentary assistant has a motion for subsection 136(4).

Mr Polsinelli moves that subsection 136(4) of the act, as set out in section 1 of the bill, be amended by striking out "in the provincial court (family division) or the provincial court (civil division)" in the second and third lines and inserting in lieu thereof "in the Ontario Court (Provincial Division) or in the Small Claims Court."

The Chair: Do you have an opening statement? No?

Mr Cousens: I would like to hear the opening statement. I do not fully understand what he is doing.

Mr Polsinelli: I can repeat the opening statement six times, if the member for Markham would like, but as I indicated earlier, these amendments are placed as a consequence to Bills 2 and 3, which changed the terminology. At the time that Bill 62 was introduced, Bills 2 and 3 had not received second and third reading yet, the terminology had not been implemented into law. As a result of that, the terminology of this bill has to be changed in order to comply with Bills 2 and 3. That is, more or less, the same explanation I will be offering in most of the other amendments, with the exception of perhaps the last one, dealing with the schedules.

Motion agreed to.

The Chair: The next proposed amendment is to subsection 136(5). Does the member for Markham have a comment or question?

Mr Cousens: I did under subsection 6 and whether it is changed from the previous amendments that the honourable parliamentary assistant is tabling. I noticed that in subsection 6, at the top of page 2 of the bill, when it talks about counties or districts named in schedule 2, "a party may file pleadings and other documents written in French." Schedule 2 does not include certain areas that are in schedule 1. Renfrew and also Algoma, Nipissing and Timiskaming are missing in schedule 2. Could the parliamentary assistant explain the rationale for that? I did not understand it.

Mr Polsinelli: I would be pleased to do that, but perhaps before we do that we can do subsection 5? I have an amendment to subsection 136(5).

The Chair: And you have gone back to paragraph 136(2)6, correct?

Mr Cousens: Okay, go ahead and do subsection 5.

The Chair: Mr Polsinelli moves that subsection 136(5) of the act, as set out in section 1 of the bill, be amended by striking out "in the provincial offences court" in the second line and inserting in lieu thereof "in the Ontario Court (Provincial Division)."

Motion agreed to.

Mr Cousens: Maybe at this point the honourable parliamentary assistant could answer the question I asked previously.

The Chair: It refers to paragraph 136(2)6, at the top of page 2, correct?

Mr Polsinelli: The question was, why are schedule 1 and schedule 2 different and cover different areas? Schedule 1 deals with bilingual juries. Schedule 2 deals with bilingual documents. The filing of bilingual documents is going to be allowed in eight designated districts, and that is because there are the court officials there who are capably bilingual and can receive those documents. On the question of the bilingual juries in schedule 1, as the member for Markham will recall, my opening statement earlier this afternoon indicated that bilingual juries cannot be offered in all the districts because of the difficulties in empanelling the juries. When those obstacles of law are overcome, then the areas in schedule 1 will be increased.

The Chair: Any comments? No? That is it? Fair enough.

I looked at the third-party motion and the language is not very clear. Maybe the member for Markham can help me guide it through. Is it to amend subsection 136(9) at the very bottom of page 2?

Mr Cousens: Yes, it is.

The Chair: Okay. The way it is written down it sure does not sound like it, but I assumed that is what it meant.

Mr Cousens: I am open to your guidance, as long as we can identify it is at the bottom of page 2, subsection 9, which reads now, "The Lieutenant Governor in Council may make regulations," and proceeds through to schedule 1 or 2. On my amendment, I should really be saying "subsection 136(9)," I think.

The Chair: Move to amend subsection 136(9)?

Mr Cousens: Yes, we will read it that way. Thank you for your assistance on that.

The Chair: And you want to remove everything that is there and substitute for what is there what you have written in your motion?

Mr Cousens: Subject to your guidance, as usual, what I thought would be best is, rather than voting against something, I would rather remove that whole section and instead place in it wording that would say that this is what I want to have, and then I will speak to that motion if I can place it. Shall I place that motion, Mr Chairman?

2250

The Chair: Please try.

Mr Cousens: I move that subsection 136(9) of the bill be amended by substituting the following:

"The Lieutenant Governor in Council may make regulations prescribing procedures for the purpose of this section."

If you agree to that, I will speak to it.

The Chair: Very good. So you are amending subsection 136(9) by removing clause (b)?

Mr Cousens: Yes.

The Chair: Okay. If we all understand, would you have an opening statement?

Mr Cousens: This is really the major concern that I would like to address in bringing ourselves to committee of the whole, and I did try to address this whole matter this afternoon when we were doing second reading. Our caucus is supporting the major thrust of the Courts of Justice Amendment Act, which will allow schedule 1 and schedule 2 to be carried forward and provide the services of bilingual juries, bilingual documents and the whole effort to provide services where numbers warrant in Ontario.

I think it is very important for us in this Legislature to understand that there has been a previous commitment to some of these services, and it was under Bill 8. Now as we proceed to another dimension of it, I see this as a natural evolution so that those areas are served in this way. It is very important, in spite of some of the remarks that others were making in this House earlier, which I took as not the right intent that our caucus has on this. To me it is very important that this House knows that yes, there are certain things that are happening and it is important that these services be made available.

What I am concerned about is that there is one section to this bill—it is consistent with an

approach that has been made previously by this government—to have more and more power reside in the hands of the Lieutenant Governor in Council. We have reviewed this in the mining legislation, the health legislation—there are a number of instances that I talked about this afternoon—and I oppose giving more power to the Lieutenant Governor in Council. I know that the Lieutenant Governor in Council has considerable power already under the French Language Services Act of 1986. I realize that the Lieutenant Governor in Council may make regulations by one of the key things that has been given to it previously, amending the schedule by adding areas to it.

I am aware that in the past there has been an allowance that has given this government the power to do certain things without bringing it to the floor of the Legislature. I want to go on record in a strong, clear, unequivocal way that hopefully does not portray any kind of ill will and bad feelings to those who might in the future be served by having French-language services. I would hope that when the government wants to provide those services it will come back to the floor of the Legislature and allow all members to participate in such a discussion.

The Premier is already on record as saying, on 5 July 1985, that, "I would like to see this province officially bilingual." I happen to believe that giving this power to the Lieutenant Governor in Council really gives him the option to do that at his own discretion.

I would also like to go on record with an additional statement that came out of the committee, the report on the Ontario French Language Services Commission. It was a minority opinion presented by two of the members of our caucus, the member for Leeds-Grenville (Mr Runciman) and the member for Mississauga South. They said: "As part of the proceedings of a select committee," that would look into French-language services, "all interested citizen groups should be allowed to appear and comment on the implementation of the French Language Services Act. After such hearings, the committee could then determine areas in which the implementation of the act may be improved."

I see a tremendous value in having continued dialogue on French-language services in committee, in the House and not in the hands of the few who are in the select group of cabinet, so that all of us who are in a position to speak on behalf of our constituents will have that opportunity in this the public forum in which there is no excuse for not standing up and speaking your mind.

The feeling is very strong—certainly in our minority opinion report—that the Liberal government's failure to provide such a public forum to explain fully the implications of Bill 8 and to allow public input on this significant issue is jeopardizing the groundwork laid by previous Progressive Conservative governments in developing a harmonious relationship between francophone and anglophone Ontario. I think it is imperative that we continue to try to build those relationships, and we will do so by talking about it, not by doing it by fiat or in secret, behind closed doors of cabinet.

When we look at some of the areas that already have a certain number of francophones, I am led to believe that the government may, by its own decision of the Lieutenant Governor in Council, make an expansion of those services, again without coming to this floor. I am saying anything that is of a significant nature should not be done in that way. All I am asking for is to use this as the forum for debate and discussion on all these issues. If the Legislature, in its wisdom, sees the value of having a committee that can deal with that, I see that as well as having great value for all of us.

I would say that honourable members of this House will have to stand up and be counted. We have the minister responsible for francophone affairs in York region, we have the former minister responsible for francophone affairs from York region; that is, the member for York North (Mr Beer) and the member for York Centre (Mr Sorbara). We also have the member for Durham-York (Mr Ballinger). I do not know how he stands on it, but I know that those other two members of the Legislative Assembly from York region might well be supportive of having York region included as an area that would be so designated under schedules 1 and 2 of this bill. I would be concerned if that were to happen.

As I looked at some of the other areas that could be considered by this bill, I wondered to what degree we in the Legislature will have any say in the matter. All I am hoping for is that before any decision is made we in this House are in a position to stand up and be counted. As I looked at some of the other areas, I realized that we are really talking about having members of the Legislature accountable to the people who elect them on all that is done, not to cop out and say, "I have let the cabinet decide."

Therefore, if you look at Durham region's census figures, you would then have the member for Durham Centre (Mr Furlong), the member for Durham West (Mrs Stoner) and the member for

Durham East (Mr Cureatz) standing up and speaking out on whether or not they are in favour of having this bill implemented for Durham. I have the statistics that show the number of people, by language, who exist in these areas. I will tell members there are not an awful lot, so why then create the doubt in the minds of the electorate that the government might in fact, at some point in the future, declare those areas to have the need for these services?

I have a number of different municipalities in which I have made that examination, and I have the figures at hand. I think, in light of the time restraints we are under here in the House at this late hour, I will refrain from reading them, but I just have to tell the honourable chairman I have them for Peel, I have them for Sarnia, I have them for something like eight or nine different areas. All of them raise the question as to whether one day or another cabinet will decide on whether or not that area will have these services. I am also led to believe that certain areas begin now to fall into the guidelines that were originally set by the government for French-language services that were part of Bill 8.

Whether London, Oshawa, Kitchener and St Catharines will be added to the list is a matter about which I would like to ask the parliamentary assistant, whether he knows of any other areas that the government is considering adding and just what areas those are and when it may intend to add other areas, not only under Bill 8, which this bill ties into, but also under Bill 62. If the minister's parliamentary assistant could give some comment on that, it would begin to satisfy some of the concerns I am raising about this bill. I will be very pleased if the parliamentary assistant is able to support this amendment. It would show a genuine effort on the part of him and the government to consider the kind of balance that I am asking for.

I would also be interested in knowing if the parliamentary assistant did have a chance to discuss this amendment, since he saw it this afternoon, with the Premier or with the Attorney General in order to get his marching orders. That is one of the reasons why I was asking whether or not the Attorney General was going to be here, because I would have very much enjoyed having him comment on, debate and discuss these issues in committee, as would have been the case. So if the parliamentary assistant can answer these questions—if he forgets them, I will ask them all again so that we can get on with it—that would be helpful.

2300

Mr Polsinelli: This is a very narrow bill with a very narrow extension of rights. The new right that it grants is the allowing of filing of documents in one of the two official languages in eight designated districts in the province of Ontario.

The member for Markham tells me that he supports this bill. He tells me that his party supports this bill, and I have no cause not to believe him because his party supported Bill 8. It was unanimous agreement of this House that supported the French Language Services Act.

Yet he also tells me that he has an amendment placed before this committee that would freeze the impact of this very narrow bill to eight particular districts and that any addition to those districts would require that a bill be prepared, brought before this House, debated before this House, go through the whole legislative process and eventually, hopefully, get passage. I must say that the government cannot support that. It is clearly the government's intention to do this. I will quote from the Attorney General's statement when he introduced the bill for first reading, "It is my intention to extend this list to other areas of the province as the bilingual capacity of our court offices grows." That is clearly contrary to the member's motion, and we will not be supporting it.

Mr Cousens: I want to go on record that if and when, and if the member is still the parliamentary assistant at that time—I certainly from within my caucus, and I think I can speak for our whole caucus—that if and when areas have increased numbers and there is a rationale for it, I would strongly support that kind of legislation coming before the House. I would not hinder it, I would not hold it back. I am certainly not doing much more today than putting on the record certain concerns.

May I ask the parliamentary assistant, why does he not use this as the forum for major decisions that affect services across the province? What is the matter with bringing things to the Ontario Legislature so that all members are fully aware of them? The debate then is full, the government has an opportunity, so the member for Nepean (Mr Daigeler), who was carping this afternoon and has not stood to speak at all, and any other member who wants to speak has that opportunity. I would like to take away the government's reason for not supporting our amendment. Then, should it have amendments to bring to this bill at a future time, and should I still be here, I would be pleased to support certain of

those amendments when the rationale for them was valid. I did ask the parliamentary assistant if he did discuss this at all with the Attorney General or with the Premier. Did you do so and have you got your marching orders on it, or are you just going from previous readings?

The Chair: Before you answer, can I still remind members that you use a third person singular through the Speaker, never directly addressing another member. There was a question addressed to the parliamentary assistant, but I see that the member for Nepean also wants to talk.

Mr Daigeler: I do want to take just a few minutes for the member for Markham. If the member for Markham would not have kept repeating the same points this afternoon again and again for some 40 to 50 minutes, I would have had an opportunity to put my views on the record. I would appreciate if the member, the next time he stands up, would be more succinct in his comments so that other members in this House can speak as well.

Mr Polsinelli: The member for Markham asks me if I had an opportunity to consult with the Premier and the Attorney General. I chose not to do so. I believe I know what the government policy is, and in terms of this particular bill it is quite clear in the Attorney General's opening statement as to what the government's intention is.

When the member for Markham talks about bringing matters for discussion before this House, I believe he is right. I think major policy questions should be brought before the Legislature and we should have a full and frank debate on it. We are not talking about major policy here; we are talking about the filing of court documents. That is not dependent on numbers; it is dependent on right. It is not a major policy; it is a minor thing. It is a narrow extension of rights. I do not know how differently I could put it. It is not a major policy, and yet the member for Markham goes on and on about freezing the districts in the province where bilingual lawyers will have the opportunity to file in one of the two official languages of this country.

He talks about, if we have to add another designated area, having to bring that before this Legislature and debate it before this Legislature. I do not understand that. It is not a major policy. It is a very simple thing, a very narrow extension of rights. We have the support of the Canadian Bar Association. We have the support of the Law Society of Upper Canada. We have the support of

the Association of French-Speaking Jurists of Ontario.

The member for Markham should know that in the Supreme Court of Canada documents can be filed in both official languages. In the Federal Court of Canada documents can be filed in both official languages. In Quebec, documents can be filed in both official languages. In Manitoba, documents can be filed in both official languages. In New Brunswick, court documents can be filed in both official languages. In Saskatchewan, court documents can be filed in both official languages.

In eight districts, in eight designated areas out of 49 in Ontario, documents after this bill has been passed will be able to be filed in both official languages, and as our bilingual services and our courts expand, those areas will be increased. That is clear government policy.

I am not going nor is this government going to support, an amendment that would require a separate bill to be introduced to this House every time another designated area is going to be placed on this list.

Mr Cousens: The member has put it on the record and I have put it on the record that the fact that government is getting more and more power is the source of concern to me. I just believe in the accountability of all of us to the people of the province. I have put this on the record as one of concern. I realize that it is narrow. It may be small by his standards. I think that several mistakes have been made in the past.

We are now seeing that this government does not have the confidence, certainly of this caucus, in the way it is implementing Bill 8. If that confidence had been maintained, I would not have had to read into the record our lack of confidence, the fact that a minority report has had to be made by our caucus on the way the government is dealing with this important issue.

If the government had in fact carried things through in a sense in which there could be a continuing confidence in the spirit of what was the Bill 8 debate, then I would feel better. We have lost that confidence, and the reason that this amendment is here is small, but it stands for a principle. It stands for at least a guideline that makes this, the chamber, the ruling body and we as members the ones who make the decisions.

So in that spirit, I have presented it. I feel right about what I have done. If members opposite feel right about what they have done as a government, then that is the decision of the public when it decides what they are doing and how they are doing it when we come before it again. Today I

have at least tried to do that. I do not think there is any ill will being shown by ourselves to our francophone community or to any other community. We are trying to be responsible to all the people of the province and are trying to make the government responsible, and that is a mighty difficult thing to do.

Mrs Marland: The parliamentary assistant just said in answer to a question of my colleague a moment ago that this bill permits the designation of additional areas when necessary, which I understand, having read the bill, is so. I just wondered whether the parliamentary assistant could tell us when that is necessary. What is the criteria that they have for adding additional areas, since once this bill is passed, we, as members of the Progressive Conservative caucus, will have no further input into the designation of the areas?

I sat on a committee that reviewed another bill that was not very clear about how that would be done either, and since it is a very important pivotal point for this bill, I wonder if he could just clarify that for us.

Mr Polsinelli: I will clarify that and I go back to the statement of the Attorney General on first reading. The indication is that the designated areas will be increased as the bilingual capacity of our court offices grows; that is, as we get fluent personnel in the court offices who are competent to handle these filings, then other areas will be designated.

2310

But I say again, this is a very narrow bill. It allows the filing of French-language and English-language documents in only eight designated areas. I am quite surprised that the member for Markham is making such a big deal about it. I would ask the member for Markham whether or not this is his amendment or whether it reflects his party's opinion.

Mrs Marland: The parliamentary assistant just said the designated areas will be increased when the bilingual capacity of the courts is increased. He is saying that is the criteria. I do not think it is the same criteria as Bill 8, which said "where services demand" or "where need is identified." What he is saying is that it is the capacity of the courts to be bilingual. The area will then be designated.

My understanding of Bill 8 is that the designated areas are those areas where the need is identified by the people within that area, so I see a very different thing happening now with this bill than with Bill 8.

Mr Polsinelli: We are dealing with quite different matters here. We are dealing with the justice system. We are dealing with the right to trial in one of the two official languages and I am not quite sure that is dependent on how many people live in a particular area as to whether or not this matter should be available as a right or not.

Again, I point out this is a third-party amendment that we are debating, and as they are allowed to ask me questions on my amendments, perhaps the member for Markham would respond to my question as to whether or not this is his amendment or in fact reflects his party's position.

Mr Cousens: The question has been answered because, assuming that I have the floor—and I have asked many questions of this parliamentary assistant and did not receive answers. This is a caucus amendment. It is not just an amendment by myself. It is tabled in the way in which it should be tabled. I just question whether or not the parliamentary assistant has caucused what he is doing and has had a chance to consider all that is happening.

I would say that we are talking about a lack of confidence in this government to do what is right and, really, what is in the best interests of all. If it is the right thing, why not do it here on the floor of the Legislature? That is the meaning behind this amendment. We are in support of the services previously mentioned. If someone wants to read something else into it, he can.

It is very important that this is another indication of this government's taking and expanding the powers of cabinet, putting more into them. I see that as a flaw of the system in Ontario. Unlike the people in East Germany who can shout and try to get changes, we can shout and scream in this House and we are not successful in getting changes at all. I feel a little bit more frustrated. I think I am probably in Bulgaria, where we have a different kind of system. Notwithstanding that, the motion stands and we will just see how it is dealt with.

Mr Harris: I am provoked to say a few comments. This caucus has expressed on numerous occasions our concern with the increasing power of this government. In spite of the fact it has a majority and can pass amendments any time it wants to in the House—in spite of that fact that it has a 94-seat majority—bill after bill and legislation after legislation has been brought in to this House giving massive, new, extensive powers to the Executive Council.

When we give that kind of power to the Executive Council, as we saw in the pay bills earlier tonight, that means the Premier, and he alone, because not one member of the cabinet of this administration has the guts to stand up to the Premier if he wants to do something. Not one member of this Liberal caucus that I see in the House has the guts. There have been one or two over the four years; the member for Etobicoke-Humber (Mr Henderson) is not here.

Mr Henderson: I beg your pardon.

Mr Harris: He is here, I am sorry. I see him now.

But not one member has had the guts to stand up and speak out when the Premier has ordered them to do something. The member for Markham has expressed a concern on this legislation in support of the principle, in support of the legislation, in support of what this bill attempts to do in extending French-language services. He has expressed—

Mr Kerrio: Did you?

The Chair: Order.

Mr Harris: He has expressed a concern on this legislation, as we have expressed on earlier legislation, as we have expressed on the Mining Act, as we have expressed on a number of others, about the amount of power that this administration wants to put in the hands of the executive council.

Mr Fleet: This is not go leadership.

The Chair: Order, please.

Mr Harris: We have taken the opportunity consistently, on bill after bill after bill, to say that we think that those people who are elected, those MPPs who come here, ought to have more say, ought to have more power. We have said it in committees. I have mentioned the member for Etobicoke-Humber because he has been unwavering in his support to give more power to the elected MPPs.

So when we raise a concern on this bill, as we have raised on 50 other bills in this House—

Mr Chiarelli: Talk about this bill.

The Chair: Order, please. The member for Nipissing is the only one who has the floor.

Mr Harris: —about being accountable to the public, about doing things out in open, about doing things where they can be debated—we have asked you and pleaded you, since you have given yourselves all this power, to put the regulations that impact so significantly on bills before committees. We have asked you to allow us to have a look at that those regulations that come a

month, two months, a year, sometimes two years after, that we have no say over, that are not debatable, to allow the public to have a look at them, and you have refused.

The Chair: Your remarks through the Speaker, please.

Mr Harris: Mr Chairman, through you, you ought not to be surprised, as we will express on each and every bill that you bring forward that extends that power, that authoritarian power to one man in a cabinet that bows to that one man, regardless of party. I have lived through that system in opposition. I do not support it and I do not think you should support it, and I do not think that you should sit there and arrogantly yippity-yap when the member for Markham raises that concern on behalf of the people of Ontario.

The Chair: Order, please. There again, can I ask, third person singular, never addressing members directly.

Mr Polsinelli: I have to make one further comment on this section. The member for Nipissing, the member for Markham and the member for Mississauga South already know that trials by judge are already available in both official languages throughout the province of Ontario. This bill sets up two schedules. One is a schedule that would allow trial by a bilingual jury. Another one sets up another schedule that would allow eight areas of the province that would permit the filing of bilingual documents; that is, documents in either of the official languages.

The regulatory power that we are discussing, that we are debating tonight, as determined by the motion of the member for Markham, would require, rather than the government by order in council extending those areas, that a separate bill be prepared and brought before this House.

I would ask the member for Markham, what is the necessity of that? Is there any particular area in the province of Ontario where, if the government wanted to extend the availability of filing French-language documents in those areas or whether in those particular areas the government wanted to allow a francophone member of our community to have a trial by a jury in the French language, the member for Markham would say, "No, not in that particular area"? If not, why the necessity to have the bill before the House; that is, why have a bill to include other areas? Why not leave the regulatory power there?

2320

The Chair: Can I propose to the member for Markham, according to what he proposed to me,

if I may read and if he likes it, this is what we will move?

Mr Cousens moves that subsection 136(9) of the act, as set out in section 1 of the bill, be amended by striking out "(b) adding counties or districts to schedule 1 or 2."

Are you comfortable with that? Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Interjections.

The Chair: Order, please. We have business to do.

Mr Polsinelli moves that clause 136(9)(b) of the act, as set out in section 1 of the bill, be amended by striking out "counties or districts" and inserting in lieu thereof "areas."

Motion agreed to.

The Chair: Mr Polsinelli moves that schedules 1 and 2 to section 136 of the act, as set out in section 1 of the bill, be struck out and the following substituted therefor:

"Schedule 1, bilingual juries, paragraphs 2 and 3 of subsection 136(2): The following counties: Essex, Prescott and Russell, Renfrew and Stormont, Dundas and Glengarry. The following territorial districts: Algoma, Cochrane, Nipissing, Sudbury, Timiskaming. The area of the county of Welland as it existed on 31 December 1969. The regional municipality of Ottawa-Carleton. The municipality of Metropolitan Toronto.

"Schedule 2, bilingual documents, paragraph 6 of subsection 136(2): The following counties: Essex, Prescott and Russell and Stormont, Dundas and Glengarry. The area of the county of Welland as it existed on the 31 December 1969. The regional municipality of Ottawa-Carleton. The municipality of Metropolitan Toronto."

Mr Polsinelli: The judicial district of Niagara South, as shown in the previous schedules that were filed with the bill, does not correspond with any of the existing government boundaries and that is the reason for the reference in the amendment to the county of Welland as it existed in 1969.

Mr Cousens: The amendment is an acceptable one and understandable on the basis of the way it has been introduced by the parliamentary assistant. I guess, to me, it would be the same kind of support for future changes to services that are being provided for francophones in the province

of Ontario. It would receive speedy reading and a full understanding by our caucus.

I think part of the problem we have is that this government is not willing to allow significant legislation that pertains to language services to be openly and publicly debated and discussed on a regular basis and that the power will reside in cabinet and will not be debated and discussed in this House. That is the substance of the issue. The power was given to the government under Bill 8. I realize it is extensive power and the way the government is using that now is not to our satisfaction. We have since had to release our own minority report on what the government is doing with it.

We will support the amendment as it is being presented, but we also have concerns on just what else is part of this bill.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 and 3 agreed to.

Bill, as amended, ordered to be reported.

EMPLOYER HEALTH TAX ACT, 1989 (continued)

Resuming consideration of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

Hon Mr Mancini: With your approval, I would like to move down and invite my officials to join me.

The Second Deputy Chair: Now that the minister has taken his place with his advisers, it is my understanding that dealing with Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act, an amendments was brought forward by the member for Nepean (Mr Daigeler) to section 3. I would ask for direction. Had discussion begun?

Hon Mr Mancini: My understanding is that my parliamentary assistant had moved subsections 3(5), (6) and (7) and there was debate going on at the time. We are prepared to move forward with debate and hopefully approve the bill this evening.

Section 3:

Mrs Marland: In speaking to subsections 3(5), (6) and (7), this is simply, in layman's terms, a provision for the payment of this outrageous employer health tax to be made quarterly in some cases and monthly in others.

The fact of the matter is that we in the Progressive Conservative Party are totally opposed to any payment schedule because we are opposed to the bill. We think it is unjust in its present form. I find the strange financial planning of the Liberal government particularly significant. Their thinking is so obscure that they think because payments are made quarterly it actually costs the small business less. The fact of the matter is that cash flow for small business sometimes is better off quarterly and sometimes it is better off monthly. The amount of money is the same.

The fact that they have made provision for these payment instalments, as far as we are concerned, does not add any grace to the bill, certainly not for the sake of small business in this province today.

The Second Deputy Chair: All those in favour of Mr Daigeler's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

Section 3, as amended, agreed to.

Sections 4 to 6, inclusive, agreed to.

2330

Section 7:

The Second Deputy Chair: Mr Mancini moves that section 7 of the bill be amended by adding thereto the following subsection:

"(5) For the purposes of this act, unless a regulation has been made and filed under clause 37(1)(c), the prescribed rate of interest payable per year shall be determined using the following rules:

"1. The rate of interest shall be reviewed semiannually and adjusted effective 1 April and 1 October in each year and shall remain in force until the next adjustment date.

"2. If the interest adjustment date is 1 April, the rate of interest shall be the mean rate rounded to the nearest whole percentage point of the lowest interest rates charged to their most creditworthy borrowers for prime business loans by the Royal Bank of Canada, the Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and the Toronto-Dominion Bank on the immediately preceding 15 January.

"3. If the interest adjustment date is 1 October, the rate of interest shall be the mean rate rounded to the nearest whole percentage point of the lowest interest rates charged to their most creditworthy borrowers for prime business loans

by the Royal Bank of Canada, the Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and the Toronto-Dominion Bank on the immediately preceding 15 July.

"4. For the period from 1 January 1990 to 31 March 1990, the rate of interest under this act shall be 14 per cent per year."

Mrs Marland: It is very exciting, because this Liberal government is moving an amendment to this bill that is really purely housekeeping. The reason I have to rise to make that point is that it is further emphasis and further fuel to the fact that this is one lousy bill.

It is badly drafted and we have known from the beginning it was badly drafted. Here we are with a brand-new piece of legislation and the government feels it necessary to stand up and amend something that is basic to a bill where the government is collecting money. I cannot understand why it would not have established when the rate of interest would be reviewed as part of the original drafting of the bill.

Also, I think it is significant to point out that one of my amendments on behalf of the Progressive Conservative Party that was defeated was one that also asked for something to be reviewed, albeit it was the rate of tax. I recognize this amendment is to the rate of interest but the fact is that the rate of interest will be reviewed semiannually and yet the rate of tax did not warrant a review semiannually or even within three years.

My motion asked that the rate of tax, the imposition of this tax on the people of this province, be frozen for three years. The fact is that this government was not willing to do that and yet now it is looking at another little wee piece whereby it may be able to get some extra money out of the poor taxpayers of this province. Well, so be it; it will be able to do it for another year or two, perhaps, and then the taxpayers of this province will be able to tell the Liberal government what they think of paying through the nose, through this health tax on employers and employees.

Hon Mr Mancini: Just so we have a better understanding of this amendment, members opposite almost constantly suggest that we should have less regulation and more things in the bill. Listening to some of the members, I thought maybe this would be one area where we could in fact accommodate their wishes, and as soon as we do that we get criticized by the members opposite.

Mrs Marland: I think also what needs to be pointed out in this particular amendment is paragraph 4, where it says, "For the period from 1 January 1990 to 31 March 1990, the rate of interest under this act shall be 14 per cent per year."

Is that not absolutely wonderful? That is the same period during which this government is already double billing the people of this province who have paid, through different methods, their OHIP premiums for those first three months. Now we are saying to them, for the same three months that they are being double billed, "If you don't pay you are going to be charged 14 per cent interest." It is like killing a fly with an elephant gun.

Motion agreed to.

Section 7, as amended, agreed to.

Sections 8 to 19, inclusive, agreed to.

The Second Deputy Chair: Mr Mancini moves that the bill be amended by adding thereto the following section:

"20a(1) In this section, 'out-of-province employer' means an employer who does not ordinarily maintain a permanent establishment in Ontario but will establish a permanent establishment in Ontario for a period not exceeding 24 months.

"(2) Before establishing a permanent establishment in Ontario, an out-of-province employer shall provide security to the minister for the tax which may become payable by him or her under this act and shall obtain a certificate in duplicate from the minister that the requirements of this section have been met.

"(3) The security referred to in subsection (2), and any security in replacement thereof, shall be in a form and of a kind acceptable to the minister, and the minister may demand additional or replacement security from time to time if the minister considers that the original security is insufficient in relation to the out-of-province employer's liabilities which will arise under this act.

"(4) In the certificate issued under subsection (2), or in any replacement thereof issued after a request by the out-of-province employer, the minister may waive the requirement that the out-of-province employer provide security if the minister is satisfied at the time the certificate or replacement certificate is issued that, (a) the out-of-province employer will be maintaining a permanent establishment in Ontario for more than 24 consecutive months after the issuance of the certificate; or (b) the total Ontario remuneration in respect of the out-of-province employer

for the year in which the certificate or replacement certificate is issued and for all subsequent years in which the out-of-province employer will be maintaining a permanent establishment in Ontario will be nil.

2340

“(5) Any person making payment to an out-of-province employer without first obtaining the duplicate copy of the certificate to be issued under this section shall, (a) deduct 1.95 per cent of all accounts payable to the out-of-province employer and pay such amount to the Treasurer on behalf of or as an agent for the out-of-province employer on account of tax payable by the out-of-province employer under this act; or, (b) provide security in a form and of a kind acceptable to the minister for 1.95 per cent of the total amount payable to the out-of-province employer to secure payment of the tax payable by the out-of-province employer under this act.

“(6) If a person dealing with an out-of-province employer fails to comply with subsection (5), the person is personally liable for payment of that portion of the tax imposed by this act each year on the out-of-province employer that is determined in accordance with the following formula:

“ $L = T \times (A/R)$ where L is the amount of the liability of the person for the year under this subsection expressed in dollars; T is the total amount of tax payable by the out-of-province employer for the year; A is the portion of the total Ontario remuneration for the year paid by the out-of-province employer in connection with carrying out the terms of all contracts between the person and the out-of-province employer; and R is the total Ontario remuneration for the year paid by the out-of-province employer.

“(7) For the purposes of computing interest payable to any person under section 7, any cash deposit paid to the minister to be held as security under this section shall be considered to be a payment to be made under this act, but nothing in this section relieves an out-of-province employer from the requirement to pay instalments under section 3 or any other amount required by this act to be paid.”

Ms Bryden: I see that the minister is intent on making sure that out-of-province employers do not skip out from paying the tax, and I think that as a Minister of Revenue that is his duty. He appears to have covered a great many eventualities that might occur which would enable an out-of-province employer to evade or avoid the tax in some way.

However, what I do question in this amendment is the number of powers that are given to the minister alone under this section, with no right of appeal, no right of reporting to the Legislature how many times he exercises the power that is given to him and no accounting to the Legislature for the amounts that are received under this section.

I think again the Legislature is lacking any ability to control or at least to review the minister's actions under this amendment. For instance, I notice that he is given the power to determine that this security “shall be in a form and of a kind acceptable to the minister.”

Also, every out-of-province employer must obtain a certificate in duplicate from the minister stating that the requirements of this section have been met. The minister can stand there at the gate and say, “No, you will not get a certificate until you do exactly as I say.” But what is more important is the forms acceptable to the minister: Will they be made public to the members of the Legislature so that we know what he is requesting before a certificate can be issued?

The minister may also waive the requirement that an out-of-province employer provide security if the minister is satisfied, at the time the certificate is issued, that the out-of-province employer will be maintaining a permanent establishment.

But the point is, what we want to know is how many times he uses his power to waive the requirement that an out-of-province employer provide security and under what circumstances. They give two circumstances here, such as that he will be moving in and maintaining a permanent establishment for more than 24 consecutive months or that the total remuneration will be nil, but there may be others that could be allowed under this. The minister may waive the requirement that the out-of-province employer provide security.

We need to have some sort of assurance from the minister that he will report annually on the extent to which he uses these powers, on the number of certificates that are applied for, the number that are granted and the terms that he requires of the person in order to get a certificate.

In addition, once this information is published annually, there should be some right of appeal. I am not very keen on advocating appeal to the ministry's appeal board because it is virtually a house body that deals with taxpayers and hears appeals from them, and the final recourse is to the Divisional Court. Of course, if the in-house appeal board appears not to have given justice,

then perhaps we should even contemplate, for this particular section of out-of-province employers, there being a sort of reviewing administration within the ministry and an appeal outside that ministry to a justice of the High Court or something of that sort.

We have to allow people to see that justice is done and not that it is hidden from us. We should be very careful about passing this kind of recommendation and just giving the minister the chief power. In a lot of these regulatory powers that we have been giving, it has generally been given to the Lieutenant Governor in Council. What the minister can do is much more limited in most acts, but in this act it appears that the minister really has a blank cheque to decide who pays what, in what form and when.

I think this is not something that should be here, and I will certainly vote against this amendment because it should be tightened up in a great many ways.

The Second Deputy Chair: The member for Beaches-Woodbine has spoken to the amendment. I would like the minister to respond while it is fresh in our minds; it is a complicated section.

Hon Mr Mancini: There are full rights of appeal in sections 9 and 10, I want to remind the honourable member.

The Second Deputy Chair: The member for Mississauga South, I know, is anxious to participate in the proposed amendment.

Mrs Marland: I am only anxious to the point, as you have said very correctly, Mr Chairman, that this is a very complicated section. I think, though, that on behalf of our caucus I should say that the best part about this section is in fact the formula, because if the truth be known and I were a crass politician, rather than try to protect the interests of the people of this province by speaking against this bill and by trying to amend this bill to make it even slightly palatable, I would just sit back and let the whole thing go through.

As it is, because the fact of the matter is that the true formula of Bill 47, the employer health tax, is that it is going to be a formula to defeat the Liberal government.

Hon Mr Mancini: That was very crass.

Ms Bryden: The minister says there is a full appeal process in sections 9 and 10. There is an appeal process there against assessments of tax. But what we are objecting to here is not assessments of tax by the minister but his deciding what sort of certificates and security should be

provided for out-of-province employers; that is not an assessment, and I think he is quite wrong in saying there is any sort of appeal against his decisions regarding security and the information that must be provided for out-of-province employers.

2350

Hon Mr Mancini: I like the honourable member opposite a great deal, but she is completely incorrect on this particular point.

The Second Deputy Chair: All those in favour of the minister's proposed amendment to section 20 will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

The Second Deputy Chair: It has been brought to my attention by my very able assistants that this is a new section and that we should actually carry section 20.

Section 20 agreed to.

Sections 21 to 31, inclusive, agreed to.

Section 32:

Hon Mr Mancini: Mr Chairman, may I compliment you on your work this evening.

An hon member: And his nice new suit.

Hon Mr Mancini: You are very distinguished looking this evening.

The Second Deputy Chair: Mr Mancini moves that subsection 32(2) of the bill be amended by striking out "subsection 11(3)" in the second line and substituting therefor "subsection 12(3)."

Hon Mr Mancini: The purpose of this amendment, just in case anyone is interested, is to correct an incorrect cross-reference.

Ms Bryden: This amendment is simply an example of the sloppiness of the drafting of this bill, and it gives me an opportunity to say to the minister that this bill is unamendable because it is so badly flawed. It creates a brand-new tax for which the government has no experience. It is rushing this through with an act that required many housekeeping amendments of this sort as well as some rather long amendments that we have just adopted.

The fact is that we had to adopt long amendments about out-of-province employers—

Interjections.

The Second Deputy Chair: Order. There is only five minutes left.

Ms Bryden: —about the interest rates to be charged and how they will be determined and

many other items of that sort. If the members think that in five minutes we are going to dispose of this bill, they should not take that opinion because there are still some very important amendments coming up, including my amendments later on which will attempt to end the extra billing, or the double taxation, of the people who pay premiums before the end of December, which will be applicable for their health care for the first three months of 1990.

I intend to demonstrate that these amendments will correct what is a real attempt to grab \$425 million from people who were covered by OHIP up to the end of December, but who are now being expected to pay for OHIP for the first three months of the fiscal year. I think this must be amended to end what is really a grab by the province of an extra \$425 million of revenue that is not part of this particular bill.

The Second Deputy Chair: Order. The member should be speaking to the proposed amendment. I have been following very closely and it says it is to correct an incorrect cross-reference. I think you are straying slightly from the proposed amendment.

Ms Bryden: I have just told you my reasons why we should consider corrections.

The Second Deputy Chair: Well, I have been tolerant. The member for Mississauga South, I can see, is anxious to get involved.

Mrs Marland: Just to place on the record that what I said 15 minutes ago about this being a poorly drafted bill is confirmed by this amendment, which is again purely a housekeeping amendment because of the way the bill was drafted. I mean, surely you can write a bill without having to correct an incorrect cross-reference.

Motion agreed to.

Section 32, as amended, agreed to.

Sections 33 to 35, inclusive, agreed to.

Section 36:

The Second Deputy Chair: Mr Mancini moves that section 36 of the bill be amended by striking out "eight" in the second line and inserting in lieu thereof "six."

Ms Bryden: This amendment is somewhat more substantive than the previous one that I spoke on; that is, it is to cut the period during which proceedings for an offence under the act can be commenced. The previous bill says it shall not be commenced after eight years. It puts a ceiling on the time in which proceedings for an offence can be pursued. By cutting it to six years

the ministry is cutting down the time which somebody who is accused of an offence will have to prepare his or her case.

In something as complicated as taxation, we should not be cutting down what was the first thought of the minister; there should be an eight-year allowance for the proceedings to open. With a brand-new bill there may be a good deal of evidence that will come out late, after this act is adopted, if it is. So the person may be accused of an offence and will need to go back a considerable period to prove that he has not violated the act.

I think it is too complicated an act to reduce the period from eight to six in the interests of the taxpayer.

The Second Deputy Chair: The member for Beaches-Woodbine has expressed her concerns about the proposed amendment. At this time I would like to recognize the honourable House leader. I am seeking some direction.

Hon Mr Ward: I was going to seek unanimous consent to waive standing order 6(b)(ii), but I understand in order to do so we would have to rise and report.

The Second Deputy Chair: We have the Deputy Speaker, and we could do that.

On motion by Mr Ward, the committee of the whole House reported two bills with amendments, one bill without amendment and progress on one bill.

Hon Mr Ward: Mr Speaker, I would like to seek unanimous consent to waive standing order 6(b)(ii) so that we may continue to complete this bill in committee of the whole House.

Agreed to.

2400

House in committee of the whole.

EMPLOYER HEALTH TAX ACT, 1989

(continued)

Resuming consideration of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

Section 36:

The Second Deputy Chair: Everyone is in such a co-operative Christmas mood. The minister has proposed an amendment which was under full discussion by the member for Beaches-Woodbine (Ms Bryden). Is there any further discussion?

Shall the amendment carry?

All those in favour please say "aye."

All those opposed please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

Section 36, as amended, agreed to.

Sections 37 to 39, inclusive, agreed to.

The Second Deputy Chair: We have a proposed amendment to section 40.

Ms Bryden: I would like to ask that we consider section 41 ahead of section 40, because section 40 depends on section 41. If we can have unanimous consent to that, I will then be able to state my case as to why these two amendments should be dealt with differently. Section 40 really depends on the amendment to section 41.

The Second Deputy Chair: The honourable member has asked if we could have unanimous consent to discuss a proposed amendment that she has to section 41 and we will dispense with the passage of section 40 until we hear her amendment to section 41.

Agreed to.

Section 41:

Ms Bryden: With regard to section 41, I will just speak in advance to the two amendments so that we do not have a decision on whether they are out of order until I have spoken to both of them, if I may.

In section 41, I would simply delete the word "April" in the second line of subsection 41(5) and insert "January."

The Second Deputy Chair: Order, we would like to hear the proposed amendment from the honourable member.

Miss Martel: Yes, we agreed to it, so let's be quiet.

The Second Deputy Chair: The honourable member, although she is not in her seat, has a good point.

Miss Martel: Neither is he.

The Second Deputy Chair: I agree, that is why we are trying to call the members to order a little bit. We have had unanimous consent to the sitting of the committee past midnight. Allow the member to continue and then we can possibly finish the bill.

Ms Bryden: As I say, subsection 41(5) of the bill—I am not reading the amendment—will strike out the word "April" in the second line and change it to "January." The effect of that will be that the entire bill will be operative from 1 January 1990 and not from 31 March 1990 for some people and from 1 January 1990 for other

people, particularly in view of the fact that the government itself passed an amendment making 1 January 1990 the operative date of the whole act.

Originally, the government had intended the operative date of the act to be 1 December 1989 for the people with the larger payrolls, so that if it could do it for one part of the act and for one section of the community, which felt it was being unfairly treated by starting the act on 1 December 1989, it should be able to do it also for the literally millions of people who will be affected if we do not amend section 41 by making that simple change in date.

Subsection 41(5) of the bill cites a number of sections of the Health Insurance Act, which is chapter 197 of the Revised Statutes of Ontario and which is referred to in section 40 but, also, the sections that are under subsection 41(5) include various amendments to the Health Insurance Act which would, in effect, make it legal presumably to collect premiums in the first three months of 1990.

If that amendment is changed by my amendment, changing April to January, it would not be legal to collect premiums from the people who make payments in December but for whom it is assumed, according to the Minister of Health (Mrs Caplan), that they have always paid in advance in the past and therefore they should be expected to pay in advance in the future.

This seems to me a completely new addition to the act that most people were not aware of. It has come out only in the last month that, the way the act is now worded, without that change people who pay premiums concluding in December this year are expected to pay for the first three months of 1990.

The minister has admitted this in her letters to subscribers. She minister has admitted it to the newspapers and she has admitted in the House that she expects people to pay three months' premiums in 1990. If that continues, it will yield another \$425 million from a lot of very poor people who are the pay-direct people, from a lot of employers who do pay their employees' premiums and who will be out this amount of money for the first three months and yet will be paying the employer health levy.

It really is a very serious attack on people who are being asked to pay a tax that they did not anticipate at all, being asked to pay a hidden premium which will be paid in December but be applicable for the first three months. I think it is simply immoral for the government not to amend the bill as I am suggesting in my amendment to

section 41 that would confirm that it is illegal to do that. The change that I propose would make it very clear that what the government is doing is an illegal act and an act that was not contemplated, at least it was not evident to people when they first saw the employer health levy.

As far as my second amendment is concerned, which comes first—

The Second Deputy Chair: Let's not get into the second one.

Ms Bryden: I just want to say if we pass the amendment to section 41, section 40 would not be needed because it would be illegal to collect premiums from people in December and if there has been an overpayment because of the many messages that came out from the ministry and the officials that indicated they had to pay, there are automatic provisions for refunding overpayment of taxes to people.

0010

My second one may be ruled out of order on the grounds that under the standing orders—I have forgotten now the number of the standing order that rules out bills that—

The Second Deputy Chair: Section 54.

Ms Bryden: It would not be necessary to rule out my second one because there would be automatic refund of overpaid taxes, which is provided for in all revenue bills. Therefore, I would be quite glad to withdraw my section 40 amendment if the section 41 one passes.

I do not think you can really call it a motion allocating government funds or affecting government spending, because in effect it is simply saying that Bill 47 is operative from 1 January 1990 for everybody and that by my amendment it would be illegal to continue to collect premiums. Therefore, I do not think it can be ruled out of order either. It is simply suggesting a change in date to clarify that the bill is a bill for replacing premiums and setting up an employer health levy as of 1 January 1990.

The Second Deputy Chair: Order, please. I know we are all anxious to have a cup of tea, but if we could just persevere for a couple more minutes and be a little quieter.

Hon Mr Mancini: We cannot support the honourable member's motion for many of the reasons I have been enunciating over the last number of months and weeks. We have been saying that OHIP premiums are in fact a very regressive way to raise funding.

Now, all of a sudden—and the honourable member would not buy my argument previously—but now, all of a sudden, when she wants to

change the bill in a certain section, she says some people who cannot afford to pay premiums might be paying premiums. It is the same argument that we have been using for months as to why we must abolish premiums.

The other thing the honourable member must understand is that one system of payment ends 31 December and a new system of payment begins 1 January. To further complicate that the way the honourable member wishes to do, would make it very, very difficult to administer this bill and we cannot accept her amendment.

Mr Laughren: On a point of privilege or a point of order, Mr Chairman: I think when there was unanimous agreement that the House would sit beyond 12 o'clock, many of us felt that meant a minute or two or three or five. It is obvious that is not going to be the case and I think that sitting until 12 midnight on important legislation is bad enough as it is; but to be sitting now at a 12:15, heading for 12:30 and perhaps beyond, is absolutely ludicrous and we should pack it in for the evening.

The Second Deputy Chair: I acknowledge the member's point of order. Embarrassingly enough, unanimous consent was sought by the Speaker—

Mr Laughren: But not to sit for ever.

The Second Deputy Chair: No, it was not; there was no time limit. I cannot make a ruling on what the Speaker's decision was, but there was no time limit on it.

It would appear to me that I have to progress with the legislation unless you could give me some reasonable explanation why there should be a time limit. I am always open to suggestions.

Let's just progress. The minister has responded. Is there any further discussion to the proposed amendment?

Ms Bryden: I have not read them yet. I wish to read them now.

The Second Deputy Chair: No, you read the amendment to section 41.

Ms Bryden: No, I have never read it. I just said I was going to change "April" to "January." I have not read either of the amendments.

The Second Deputy Chair: You are absolutely right. You have not read it.

Ms Bryden: So I will now read them, I presume.

The Second Deputy Chair: Yes, I would like the honourable member to read her proposed amendment.

Ms Bryden: Do I have to read them in order?

The Second Deputy Chair: No, you see, that is the problem I have. We had agreed to section 41. If you go to section 40, then we have difficulties.

Ms Bryden: Okay. I will do section 41 first.

The Second Deputy Chair: Ms Bryden moves that subsection 41(5) of the bill be amended by striking out "April" in the second line and inserting in lieu thereof "January."

Motion negatived.

The Second Deputy Chair: That amendment is lost; however, we still are dealing with section 41 and I now have a government amendment.

Mr Mancini moves that subsection 41(1) of the bill be amended by striking out "December 1989" and inserting in lieu thereof "January 1990."

Ms Bryden: Again, the government's amendment is an attempt to legalize its collection of premiums for the first three months of 1990. We could see this coming, because there was some question as to whether they were collecting this legally or not. The collection of premiums—whether paid in December or not—for the first three months will be legalized if the government's amendment goes through.

Mrs Marland: Could you just advise me, since my amendment is also to subsection 41(1), do we deal with the government amendment first?

The Second Deputy Chair: No. I wanted clarification on that and it is really on the timeliness of the amendment. The next amendment was the government amendment, so yours was the third in progression on how the table has received the amendments. It was not on a priority-of-party basis. It was just a matter of timing of receipt.

Mrs Marland: I will wait to make comments.

The Second Deputy Chair: Fine. The minister has moved an amendment to section 41.

Motion agreed to.

The Second Deputy Chair: Mrs Marland moves that subsection 41(1) of the bill be amended by striking out "December 1989" in the second line and inserting in lieu thereof "April 1990."

Mrs Marland: The member for Mississauga West (Mr Mahoney) reminds me it is the Liberal government that we are dealing with, unfortunately, but the fact is that the government, this Liberal government, has recognized its error and how unjust it is to have the bill effective on 1

December so it is already recognizing one month is wrong. What our amendment is doing is just helping the government a little by suggesting now that it has recognized that it should not be double billing for December, nor should it be double billing for January, February and March.

I just want to say that the employers' objections to this double hit were most forcefully put to the committee by a Don Eastman, who is chairman of the economic policy committee of the Ontario Chamber of Commerce. In his submission on 23 November 1989—and this comment has not been placed in this chamber—Don Eastman said:

"...we feel we have been whacked across the forehead with a two-by-four and then jabbed with a needle just to make sure we got the point. The jab with the needle is particularly obnoxious.... Overlapping the OHIP premium and the payroll tax really does add insult to injury for the business community. We have been entertained by the mental gymnastics used by the government to explain, defend, rationalize the overlap, but the bottom line is that we are being asked to pay twice for the same bag of groceries. We believe that is wrong and are truly frustrated by the government's insensitivity to date on this issue."

0020

It is very obvious that the amendment I am placing deals with that one particular aspect, and I think too that I want to ask the minister one final question on this whole issue of what is going to happen to the people in Ontario between 1 January and 31 March.

According to something I read in the *Globe and Mail*, officials of the Ministry of Health have been saying that those who pay their own premiums, ranging from \$89 to \$178 for a three-month period, could lose their coverage if their final premiums are not paid. Then again, apparently, a couple of days later, ministry officials were moderating this warning. First they were saying that individuals who had not paid their premiums would not have coverage; then they were adding that the ministry would ask them to pay premium arrears only if they sought health care services.

Could we once and for all have an answer to this question: If the people of Ontario do not pay their premiums, is this Liberal government really saying they have to pay them only if they go to see the doctor or if they need to seek health care in this province? I would really like to be able to tell the people of Ontario what the answer is.

Hon Mr Mancini: That question has been answered numerous times by the Minister of Health (Mrs Caplan) and on numerous occasions by the Treasurer. One system of payment ends at the end of December, and another system of payment begins in January. We wish to eliminate OHIP premiums for all citizens in Ontario. We wish to ask all businesses to make a fair contribution to the cost of health care, noting that small business has special concerns and that is why they are being charged the half rate.

Mrs Marland: That is just great. What the Minister of Revenue has just said is that they want to eliminate premiums as of 1 January and they are replacing them with a tax that the employers will pay. We understand that perfectly. The question is, for those people who do not pay their OHIP premium for 1 January through to 31 March, will they be covered? If they do not pay it, will they be billed if they get sick?

It is not good enough for this Minister of Revenue, whose bill it is, to say the Minister of Health has answered this question. Even if she had, which the Minister of Health has not, may I ask him, as the minister who is imposing this legislation on everybody in Ontario, if I do not pay my OHIP premium for January, February and March, since the government is doing away with OHIP premiums, will my health insurance be covered? Will I be protected? It is a simple question.

Hon Mr Mancini: That question has been answered very clearly on numerous occasions.

Mrs Marland: I am sorry, Mr Chairman, but I think it is disgusting for the Minister of Revenue, whose very bill is before this committee now, to say that question has been answered, because the truth of the matter is that there is nowhere this minister can point to that shows where that question has been answered. It has not been answered. The people of Ontario have a right to know. It is this minister's legislation that is duplicating the billing for those first three months.

The Second Deputy Chair: The honourable member has moved an amendment. I think she has spoken to it. She is not speaking to it now. The amendment has been moved.

All those in favour of Mrs Marland's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 41, as amended, agreed to.

Section 40:

The Second Deputy Chair: Ms Bryden moves that section 40 of the bill be amended by adding thereto the following subsection:

"(4a) The said act is amended by adding thereto the following section:

"(13) Every person who has paid a premium in respect of a period after the 31st day of December, 1989 is entitled to repayment of the premium."

Ms Bryden: This is necessary because of the fact we did not amend section 41 in the way I suggested. Therefore, some sort of government action is required to compensate people who paid for December.

The Second Deputy Chair: I have to bring to the attention of the honourable member, as she indicated through our discussion of section 41, that the proposed amendment is out of order according to standing order 54. We cannot accept the proposed amendment.

Section 40 agreed to.

Section 42:

Mrs Cunningham: It is been a long evening and I have been waiting for a long time. I would like to make some general comments on the bill in summary, Mr Chairman, and I am looking for your direction as to what the appropriate time would be; there have been a couple of times, as we have gone through. I intend to make the comments anyway. I think this would be the appropriate time, if I may.

The Second Deputy Chair: We appreciate your advising the chair as to what you think should or should not be said. Unfortunately, this is not the appropriate time for general comments because the section says the short title of this act is the Employer Health Tax Act.

Mrs Cunningham: Perhaps you could advise me when it would be.

The Second Deputy Chair: Try.

Mrs Cunningham: I would like to speak in general, and if I have to speak to the title, I will speak to the title and that is what I am going to do. We are convinced that this payroll tax is one that the public of Ontario is not in favour of. I say that with due respect—

The Second Deputy Chair: I have to call you to order. If you are speaking to the title, what is wrong with the title? I do not think your general concern about the general public payroll tax has to do with section 44.

Mrs Cunningham: They do not like the title. That is what I am speaking to. They told us too,

they do not like the tax, they do not like the title and they do not like the bill. So I am speaking in general to the title.

The Second Deputy Chair: I am afraid that you are putting the Chair in a very untenable position at this time.

Mrs Cunningham: Would you like to hear what the Ontario Chamber of Commerce says about the title of the bill?

The Second Deputy Chair: Order. This is section 42, and I want to assure the honourable member that I have had the opportunity of participating from time to time in what she is attempting to do in my past incarnation, and she is going to have some difficulty with me if she is going to try to ramble on in terms of section 42 and the title of the act.

Mrs Cunningham: Would you like to hear what the Ontario Chamber of Commerce says? They are talking about the payroll tax being a bad tax. It means higher costs, reduced competitiveness and reduced employment opportunities in Ontario. It will hamper and potentially harm the economy and have an adverse impact on the taxation equity. They do not like the title of the bill, they do not like the bill and they do not like the tax.

They went on to say that there is disagreement with the decision to eliminate OHIP premiums, and of course that is why we are all talking about this issue right now, but to take the approach in this bill at a time in Ontario when we should be looking at responsibility to the individuals, all of us in this House as well as individuals across this province, when it comes to understanding and making a commitment to our responsibility for the services that we received, is totally unnecessary and unwanted.

The real issue here is increased dollars for health care, an another issue is the delivery and

the cost of delivery of the health care system in Ontario. At this point in time I think what we have is a new tax that is largely hidden from the general public and it will reduce the—

The Second Deputy Chair: Order, please. The honourable member is not speaking to the section now. I have been listening very attentively, and I think I have been very tolerant.

Mrs Cunningham: Thank you very much for the opportunity. I said almost everything I wanted to say. I can see I am not going to win this one, but I just wanted to put on the record how the public feels about this unnecessary piece of legislation.

Section 42 agreed to.

The Second Deputy Chair: Shall the bill be reported as amended? Agreed? Agreed.

Interjections.

The Second Deputy Chair: You had the opportunity. You are putting the Chair in an embarrassing position. I asked whether the section should carry. It carried. I asked, "Shall the bill be reported?" I heard, "Agreed."

Interjections.

The Second Deputy Chair: I apologize. If the Chair did not speak loudly enough then it was my error, and I would hope that all honourable members would respect me to ask again if the bill should be reported. All those in favour of the bill reporting please say "aye."

All those against please say "nay."

In my opinion the ayes have it.

Bill, as amended, ordered to be reported.

On motion by Mr Ward, the committee of the whole reported one bill with certain amendments.

The House adjourned at 0034.

ANSWER TO QUESTION IN ORDERS AND NOTICES

DISTRICT HEALTH COUNCILS

267. Mr Eves: Would the Minister of Health table all documentation from all district health councils indicating the priority projects within the respective DHCs, and would the minister indicate for each project listed the projected cost of its implementation? [Tabled 10 July 1989]

See sessional paper 252.

INTERIM ANSWERS

326 to 335. Mr Eves; 337. Mr Reville—Hon Mrs Caplan: A final answer cannot be made available in the normal time period as stated in standing order 95(d). A final answer will be available on or about 15 January 1990.

RESPONSES TO PETITIONS

NATUROPATHY

Sessional paper P-1, re naturopathy.

Hon Mrs Caplan: Our response to sessional paper P-1 is as follows:

The final recommendations of the health professions legislation review were tabled in the Legislature on 26 January 1989. In its final recommendations, the review continued to recommend that the profession of naturopathy not be statutorily self-governing. Naturopaths would remain able to practise without specific legislation, but the profession has indicated that the type of practice would be altered.

The Ministry of Health has circulated the HPLR's final recommendations to professional governing bodies and other interested parties and is itself assessing the recommendations and their implications. I have met with those groups most affected by the review and its recommendations and ministry staff will continue to gather information prior to introducing legislation. To date more than 50 groups have met with me, and I have heard their major concerns. The board of directors of Drugless Therapy—Naturopathy and the Ontario Naturopathic Association met with me on 14 July 1989. They were assured that their views and concerns would be taken into account

during the process of implementing HPLR proposals.

Ministry staff are maintaining discussions with naturopathic interest organizations.

ANIMALS FOR RESEARCH

Sessional paper P-17, re animals in product testing.

Hon Mr Ramsay: The wording in the petition implies that testing of cosmetics and household products causes death and suffering to thousands of animals in Ontario each year. In fact, only small numbers of animals are used for the eye irritancy tests, and anaesthetics are used if there is any indication of significant tissue damage. Less than 2,000 mammals are used for other tests, and the vast majority of these are not adversely affected by the procedure.

All research and animal testing facilities, except those operated by the government of Canada, are regulated under the Animals for Research Act, which is the most comprehensive animal care legislation in Canada. Unannounced inspections of all facilities are made by ministry veterinarians to ensure that there is no unnecessary pain and that animals are properly used and cared for.

Federal government regulations require manufacturers of consumer products to ensure that products being sold are safe when used as directed. For several products, this requirement can only be met by using animals. The nonanimal alternatives have not been accepted as reliable in Canada or any other country which is a signatory to the Organization for Economic Co-operation and Development. Nonanimal alternatives are being used to reduce the number of animals required for tests. However, some animals are still required for the protection of the public. More research is necessary to develop alternatives which are reliable. When these nonanimal alternatives have been validated and accepted by regulatory agencies and legal authorities, I will not hesitate to ban the use of animals for these specific tests.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breaugh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Oriole L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaitre, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrundola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Monday 18 December 1989

Members' statements			
Court facilities	4905	Children's mental health services	4920
Mr Kormos		Mr Allen	
Time-sharing	4905	Mr Beer	
Mr Sterling		Education financing	4920
Human rights	4905	Mr Jackson	
Mr Velshi		Mr Mancini	
Water resources	4906	Reproductive care	4921
Mr Wildman		Mrs O'Neill	
Property assessment	4906	Mrs Caplan	
Mr Cousens		Native justice	4922
St Nicholas Day	4906	Mr Wildman	
Mr Fleet		Mr Offer	
Appliance industry	4907	Correctional facilities	4923
Mr Charlton		Mr Cureatz	
Employment equity	4907	Mr Patten	
Mrs Cunningham		Niagara River water quality	4923
May Court Club	4907	Mr Dietsch	
Mr Dietsch		Mr Bradley	
Statement by the ministry		Teachers' superannuation	4924
Provincial court judges	4910	Mr Morin-Strom	
Mr Elston		Mr Conway	
Responses		First reading	
Provincial court judges	4910	Courts of Justice Amendment Act,	
Mr Kormos		1989, Bill 100	4925
Mr Sterling		Mr Elston	
Oral questions		Agreed to	4925
Food banks	4913	Third reading	
Mr B. Rae		Public Service Pension Act, 1989,	
Mr Beer		Bill 36	4925
Rent regulation	4914	Agreed to	4925
Mr B. Rae		Royal assent	
Mr Sweeney		His Honour the Lieutenant Governor...	4925
Electricity demand and supply	4915	Second readings	
Mr Brandt		Statutes Revision Act, 1989, Bill 74 ..	4925
Mrs McLeod		Mr Polsinelli	4925
Retail store hours	4916	Mr Sterling	4925
Mr Brandt		Mr Callahan	4926
Mr Scott		Agreed to	4927
Mr B. Rae		Regulations Revision Act, 1989, Bill 75	4927
People with brain injuries	4918	Mr Polsinelli	4928
Mrs Cunningham		Mr Philip	4928
Mrs Caplan		Ms Bryden	4929
Skills training	4919	Mr J. B. Nixon	4929
Ms Hošek		Mr Kormos	4929
Mr Conway		Mr D. S. Cooke	4930
		Mr Sterling	4931
		Agreed to	4932

Notaries Amendment Act, 1989, Bill 63	4932
Mr Polsinelli	4932
Mr Philip	4933
Mr Sterling	4933
Mr Kormos	4933
Agreed to	4935

Courts of Justice Amendment Act, 1989, Bill 62	4935
Mr Polsinelli	4935
Mr Sterling	4935
Mr Wildman	4935
Mr Cousens	4935
Mr Kormos	4936
Mr Grandmaitre	4943
Agreed to	4944

Committee of the whole House

Highway Traffic Amendment Act, 1989, Bill 95	4944
Mr Philip	4944
Mr Cousens	4945
Mrs Cunningham	4945
Mr Wrye	4947
Mr Kormos	4947
Reported	4947

Second readings

Executive Council Amendment Act, 1989, Bill 94	4948
Mr Ward	4948
Mr D. S. Cooke	4948
Mr Harris	4948
Mr Laughren	4949
Mr J. M. Johnson	4949
Mr McGuigan	4950
Mr Villeneuve	4950
Agreed to	4951

Legislative Assembly Amendment Act, 1989, Bill 91	4951
Mr D. S. Cooke	4951
Mr Harris	4955
Mr Kerrio	4956
Mr Laughren	4957
Mr Mackenzie	4957
Mr McGuigan	4959
Mr Wildman	4959
Miss Martel	4959
Mrs Marland	4961
Mr J. B. Nixon	4962
Mr Kormos	4962
Mr Ward	4964
Agreed to	4964

Committee of the whole House

Legislative Assembly Amendment Act, 1989, Bill 91	4964
Mr Ward	4964
Mr Harris	4965
Reported	4965

Unclaimed Intangible Property Act, 1989, Bill 86	4965
Mr Wildman	4965
Mr Polsinelli	4965
Mr Reycraft	4965
Mr Laughren	4965
Mr Harris	4966
Ms Bryden	4970
Reported	4971

Courts of Justice Amendment Act, 1989, Bill 62	4971
Mr Cousens	4971
Mr Polsinelli	4971
Mrs Marland	4973
Mr Daigeler	4977
Mr Harris	4979
Reported	4981

Employer Health Tax Act, 1989, Bill 47	4981
Mr Mancini	4981
Mrs Marland	4981
Ms Bryden	4983
Mr Laughren	4987
Mrs Cunningham	4989
Reported	4990

Answers to questions in Orders and Notices

District health councils, question 267	4991
Mr Eves	
Mrs Caplan	

Interim answers, questions 326 to 335 and 337	4991
--	------

Responses to petitions

Naturopathy, sessional paper P-1	4991
Mrs Caplan	

Animals for research, sessional paper P-17	4991
Mr Ramsay	

Other business

Member's privileges	4907
Mr Cousens	
The Speaker	

Stanley Randall	4907	Education financing	4912
Mr Sterling		Mr R. F. Johnston	
Mr J. B. Nixon		Mr Conway	
Mr B. Rae		Mr Brandt	
The Speaker		Mr Mancini	
Arthur Evans	4909	The Speaker	
Mr J. M. Johnson		Visitor	4913
Mr Ward		The Speaker	
Mr Wildman		Recess	4947
Response to letter	4911	Adjournment	4990
Mr Scott		Alphabetical list of members	4992
The Speaker			

TABLE DES MATIÈRES

Le lundi 18 décembre 1989

Deuxième lecture		Loi de 1989 modifiant la Loi de 1984 sur les tribunaux judiciaires, projet de loi 62	
Loi de 1989 sur la refonte des lois, projet de loi 74	4925	Adoption du projet de loi en deuxième lecture	4935
Adoption du projet de loi en deuxième lecture	4927		4944
Loi de 1989 sur la refonte des règle- ments, projet de loi 75	4927		
Adoption du projet de loi en deuxième lecture	4932		



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Second Session, 34th Parliament
Tuesday 19 December 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 19 December 1989

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

LEGISLATIVE PAGES

Mr Kormos: I do not have to tell you, Mr Speaker, how we in this House are inevitably and consistently impressed by the young men and women who come to this House from across Ontario to serve as pages. This particular group of pages is serving probably its second to last day here at the Legislature. They are from across Ontario, and rightly so, and I can tell the House that we are looking forward to the chance to have young men and women from Welland-Thorold right here in this Legislature performing as these young people have for the last several weeks.

I have told Mayor Longo of Thorold and Mayor Hardy of Welland how impressive these young people are and those mayors from those two communities that I represent have insisted that I not let this group of people leave without giving each of them some souvenirs of their attendance here, some pins from the city of Thorold and from the city of Welland, of course some reading material about those respective cities and road maps as to how to get there—it is not difficult—hoping that they will share those with their parents.

We are proud of our communities of Welland and Thorold. They are great places to live and, quite frankly, great places to visit. While they are visiting there, it is only a hop, step and a jump to Niagara Falls or to Niagara-on-the-Lake and the theatre there.

I am going to leave these behind on behalf of the mayors of those two cities with their best wishes and with our thanks for the fine performance that these young people have made and the contribution they have made to this Legislature.

COMMUNITY INFORMATION CENTRES

Mr McCague: Community information centres are a valuable resource for communities throughout the province. They provide a single access point to government programs and services. As community-based services expand to

support our ageing population, information services will be in increasing demand to ensure Ontarians get the help they need.

Community information centres are in a financial crisis throughout the province. The 1989-90 budgetary allocation was 0.4 per cent above the 1988-89 funding.

It is shortsighted for the Treasurer (Mr R. F. Nixon) to refuse additional funding for such a valuable community resource. If we did not have community information centres, each ministry would have to establish local information services and the budgetary implications of that would be explosive.

A single information source is the most cost-effective way to provide access to provincial programs. The individuals who work tirelessly on our behalf at the community level deserve more recognition. The \$100,000 that the Minister of Skills Development (Mr Conway) spent on the recent Pathways report, which was simply a rehash of the earlier version, Out of School Youth in Ontario, and the \$78,000 the Minister of Revenue (Mr Mancini) wasted yesterday on his inaccurate assessment notices would do nicely. The member for Simcoe East (Mr McLéan) and I would certainly like some assistance.

KAWARTHA SKILLS DEVELOPMENT COMMITTEE

Mr Adams: The Kawartha Skills Development Committee in Peterborough has two new projects aimed at improving input from teachers and principals in the development of skilled tradespeople. The committee is putting together a directory of tradespeople willing to speak directly to students. It is also funding trophies for local schools to present to grade 7 and 8 students for aptitude in technical subjects. The committee hopes to receive enough replies to publish an occupational speakers directory this month, when many students are looking at their options.

The technical arts proficiency award is the second initiative of the committee. It is designed to recognize achievements of students in technical courses. The 24 elementary schools that offer technical training will each be able to present a trophy to one grade 7 and one grade 8 student and

engrave the names on a school plaque. The committee is also looking for business sponsors whose names will be printed on the scrolls that go with the awards.

The Kawartha Skills Development Committee is one of 57 such committees across Ontario involved in the Skills OK campaign, a drive to address the issue of a lack of skilled workers through projects of various kinds. The OK stands for two things: occupational knowledge and "It's okay to want to be an electrician or a welder or whatever."

I wish the Kawartha Skills Development Committee luck in its important work.

EDUCATION FINANCING

Miss Martel: School boards were recently asked by the Ministry of Education to comment upon proposed changes to the 1990 general legislative grant. The Sudbury Board of Education responded in this way:

Specifically, option 1 represents the status quo and would result in a grant to the board of some \$3.3 million. Option 2 would reduce this goods and service grant by some \$1 million. This is the same grant that supposedly recognizes the great difficulties of northern boards and provides some additional moneys to offset the higher costs. Now the ministry is proposing to cut this funding by \$1 million.

The Sudbury board has argued for some time that special consideration be given to its board because of the cost of operating in a jurisdiction of 2,400 square miles in northern Ontario weather conditions.

The board has a demographic density of approximately eight students per square mile, versus the 1,100 students per square mile of Metropolitan Toronto boards. This affects the board's level of plant operations and maintenance costs and has resulted in higher per-pupil costs in both panels.

Second, because of the large geographic area, the average enrolment per school building is much lower within the Sudbury board than in southern boards. This again affects costs. Therefore, higher taxes have resulted from this need to provide services for schools in sparsely populated areas. According to a Royal LePage survey of April 1989, the ratio of municipal taxes to the market value of homes in Sudbury is the third highest in Ontario.

The ministry options will maintain the status quo or reduce grant moneys. Neither option is acceptable if Sudbury taxpayers are going to be

hit yet again because of inadequate provincial funding of education.

FUELS SAFETY

Mr Pollock: In the village of Madoc on 16 November, gas fumes were detected at a local high school. The source was traced back to a local service station. The fuels safety branch inspectors immediately shut down the operation.

This leak occurred because of two things: the overflowing of an unleaded gas tank and a leakage because of poor workmanship in one of the suction lines.

The occurrence of the spill and the leak, as described, have led to the discovery by investigators, and in particular the fuels safety branch, of extensive contaminated soil below the level involved in the spill. This contamination existed as a result of events many years ago, none of which had anything to do with the local owner.

I understand that the problem occurred when Esso owned the tanks. It seems that there is now contaminated soil on the property under the station. As a result of this, the fuels safety inspector has ordered the removal of the tanks, which were installed only 18 months ago and under the direction of Esso's engineer. Also, representatives from the Ministry of the Environment and the fuels safety inspection branch were present during that time. The contaminated soil was clearly visible for those involved to see when this work was being done.

1340

Who is going to clean this up? This service station operator's business is now shut down, through no fault of his own. The Minister of Consumer and Commercial Relations (Mr Sorbara) and the Minister of the Environment (Mr Bradley) should make some fair decisions now.

CHAMPIONS OF HALTON NORTH

Mr Elliot: In Halton North, 1989 has been an exceptionally fine year. Constituents of Halton North have won five national championships. I would like to congratulate the champions as we come to the close of 1989.

Tammy Wilson of Milton began this fine effort by becoming Miss Majorette of Canada at a competition held in Kitchener in June.

Jennifer Guzman of Milton brought home a gold medal by winning the 3,000-metre race at the Canadian Legion national junior track and field championships held in Victoria, British Columbia in August.

Julie Lawrence of Milton won a gold medal at the national junior table tennis championships held in St John's, Newfoundland in July.

Kelly Stewart of Hornby was crowned Miss CNE, Queen of the Fair, at the Canadian National Exhibition. She has had an exciting fall travelling throughout the province and beyond and has represented the CNE in extremely fine fashion.

Leanne Caputo of Milton, whom I was pleased to introduce to this Legislative Assembly on 7 December as Miss World, Canada and runner-up to Miss World, completes this impressive list. Leanne has already begun her year of work on behalf of special kids in Canada.

This list of champions is impressive. Collectively, they are a combination of talent of extremely high calibre. Each one, in her own area of expertise, spent years in training. I am delighted to congratulate each of them on their achievements and wish them continued success.

EDUCATION FINANCING

Mr R. F. Johnston: I have in my hands a newspaper report that a bounty of \$20 is being put on Catholics who send their kids to the public school system at the moment. In the city of Windsor the Roman Catholic separate school board is giving \$20 a head to any of its employees who bring in a Catholic who is now sending his kids to the public school system.

Can members believe that? It is incredible. They are going to call them assessment revisers and they are going to send them out and get them to actually go out—I do not know if it is going to be on board time or volunteer time—and pay them \$20. What is going to happen? Are they going to slip \$5 to the person they are bringing in and only keep \$15 for themselves?

What we are having here is a major problem in the province. We have direct mail campaigns going on in terms of competition between the two boards at the moment in Ontario. Are we going to see fire sales around the setting of mill rates? Are we going to see a whole new meaning to door prizes for kids who come into the school system?

It is time this government looked at this matter very seriously, because anybody who says this is ethically correct is, in my view, very misguided indeed. It is time the Minister of Education (Mr Conway) laid down some ethical guidelines about what is fair competition between the two board systems in Ontario. We cannot have this kind of thing going on in our province. It is the last thing we need.

ACADEMIC STREAMING

Mr Jackson: I would like to comment on the statement by the Minister of Education in

response to a question on destreaming asked on 8 November.

Contrary to what the minister may think, the Progressive Conservative Party has never endorsed province-wide destreaming. The all-party select committee on education recommended an investigation of the potential of destreaming because there was a lack of Ontario-based data.

It specifically recommended that "the ministry sponsor research on the practice and impact of streaming and ability grouping in Ontario."

In response, the Liberals will establish 10 pilot projects by September 1990. Since the government has declared mandatory destreaming of all grade 9 students in Ontario by September 1992, there will no thorough evaluation and analysis of these pilot projects.

The committee also recommended that any plans to reduce streaming must be accompanied by other measures, such as smaller class sizes, in-service programs for teaching destreamed classes, mentoring, individualized instruction and remedial programs. The minister has ignored these key recommendations and has never discussed who will pay the increased costs of the government's mandatory destreaming plan.

Dr Jeannie Oakes, a destreaming advocate, warns: "Simply mixing students is no answer. Revolutionary changes are needed in organization, curriculum and instructional practice.... Teachers and administrators must collaboratively develop ideas and experiment with different strategies. If not, little will change, and what is changed probably won't work."

Before rushing ahead, the Liberals should listen carefully to her advice. The potential for damage is too great.

ALLAN FISHER

Mr Owen: Recently, I lost a friend. Allan Fisher was a musician, a teacher, an historian and a poet. Nearly 30 years ago, mutual love of history and music led to a friendship which survived until he died earlier this month.

Allan Fisher started the music and band program at Barrie Central Collegiate in 1937 and led it for 35 years. His instrumental music was studied and copied across Ontario. Through the years his band was a consistent medal winner in the Toronto Kiwanis and in competitions across the United States and Europe. Many students went through his band and music program to become outstanding musicians today. However, many more developed an appreciation and love of music, which will remain with them all their lives.

As a history teacher in the classroom, he continued to challenge his students, often in a provocative manner. They learned, sometimes in spite of themselves.

Allan Fisher was a keen Canadian. He loved this country and its history.

Allan Fisher was a writer and researcher of our past. He published a number of books and prided himself on the accuracy of his research.

Allan Fisher has left a legacy of an acoustically fine auditorium which has been named after him. Fisher Auditorium is a 1,000 seat theatre which enables Barrie to bring in some of the finest of musicians.

Allan Fisher received two honorary doctorates, including one from his alma mater, Queen's University, and was honoured by Canada with the award of the Order of Canada.

His wife, Eva, and their children developed the same love and fascination for music and history, as did everyone who came into contact with the man.

The Speaker: The member's time has now expired.

Mr Owen: Allan Fisher leaves many friends behind him and all of us are the richer for having known him.

The Speaker: Thank you. That completes the allotted time for members' statements.

Mr Kormos: I understand that we need unanimous consent to address the recent events in Romania.

The Speaker: There has been a request for unanimous consent. Is it agreed?

Agreed to.

EVENTS IN ROMANIA

Mr Kormos: Some time ago, on 1 May 1989, I addressed this House briefly about the plight of, among others, Hungarians in Transylvania, that part of Romania where there have been some 2.5 million Hungarians settled for generations. It is their homeland and only by virtue of the artificialities of man-made borders have they become, as it is, residents of the country of Romania rather than the country of Hungary, their native and their home land. These Hungarians in Transylvania, the 2.5 million people, have been the victims of persecution by a brutal Romanian regime for some time now.

Sadly, the press reports of last evening and this morning reveal an oppressiveness and a brutality that has spread beyond those victims in the Hungarian ethnic community of Transylvania. Indeed, reports indicate that there have been

murders, assassinations, of not just a few but many people throughout Romania, young and old alike, with some special brutality directed at the Hungarians living in the country of Romania.

The federal government appears to have taken initial, but modest, steps to express concern. I would ask that this Legislature go well beyond that.

Red Fascists are what this government is and nothing less. It is the most brutal and oppressive type of government. It is a people who have suffered the chains of this oppression for a long, long time, and as I say, the Hungarians especially.

We in this House must condemn that brutality, must condemn that Red Fascism. We must call upon the Romanian government and its bosses like Ceausescu to cease immediately the brutality and assassination of their own countrypeople. This is an intolerable situation. We can but protest in the strongest of terms and utilize all the economic coercion that is available to us to ensure that it is terminated immediately so that freedom is finally granted to the Romanian people and those Hungarians living in Transylvania, that province or part of Romania that was once Hungary.

We condemn the conduct of that government. It is unacceptable in the 20th century, in a world that should recognize and favour and respect individuals and human liberties. It is a government that has long outlived its day. Its brutality is condemned and we should extend our prayers for those people who have had to endure it for so long and who now resist so bravely.

1350

Mrs Marland: It is with great horror and sadness that Ontarians have learned of the massacre of dozens, possibly hundreds of Romanians by their own armed forces. We offer our heartfelt condolences to the Romanian people and any of their relatives here in Ontario. We also hope that this violent repression of peaceful demonstrations is an isolated incident in what has otherwise been a peaceful campaign for reform in eastern Europe.

This fall we have admired the courage of the eastern Europeans who have asserted their belief in full and equal participation in the political process, open expression without reprisal, free enterprise and, most important of all, religious choice. We have rejoiced in the result of their courage, which has been nothing short of peaceful revolution, that is, until the Romanian massacre.

We have, of course, worried that the governments of these Warsaw Pact nations would feel threatened by the demonstrations and the rapid changes. We are all too familiar with the violent use of force to maintain the status quo. Many of us remember the invasion that marked the tragic conclusion to the Prague spring in 1968. In more recent memory, we recall last June's massacre of the Chinese students who protested in Tiananmen Square. We shared their hope and jubilation. Then we mourned for them. Now we feel that horror and grief again.

We hope that the violent events in Romania will not sway the governments of eastern European countries to abandon their process of reform. Democratic nations such as Canada must make it clear that we have great admiration for the eastern bloc's recognition of the will for reform and for the peaceful management of the dramatic changes occurring in these countries. We must also offer our assistance in the rebuilding of their economies. Let us pray for the Romanian victims and for the success of reform throughout eastern Europe. May the spirit of perestroika rise above the tragic events that we mark today and may we also be mindful as we celebrate this special season in this special province in the next few days of the suffering of other people throughout the world.

Mr Velshi: I too wish to express my party's outrage at the horrible violation of human rights which is taking place, as we speak, in Romania. I spoke at a rally sponsored by the Romanian World Congress on this past weekend here in Queen's Park, and myself and other speakers called for the same freedoms being granted to other eastern European citizens. Little did we know that as we spoke we would hear of reports of flagrant violations of human rights. If these disturbing reports are confirmed, it means that the winds of change that we are witnessing across eastern Europe are being stifled in a most undemocratic, authoritarian manner. The Romanian government is placing itself in a disgraceful position of repressing freedom, democratic reform and respect for human rights.

If the tides of change in eastern Europe have confirmed anything, it is that what cannot be denied cannot be suppressed. As many as 51,000 Canadians trace their roots to Romania, of which 18,000 live here in Toronto, in Ontario, and our thoughts go out to them and their relatives. I am sure that all Ontarians will agree to strongly condemn any form of violence conducted by the Romanian authorities against their own people.

The Ontario government urges the government of Canada to give immediate attention to the situation in Romania and to make strong representations to the Romanian government on behalf of Canada and all Canadians who value peace in a free and democratic society.

If those reports that are filtering through to us are true, it means Romanians in their struggle for freedom have died and are still dying. We pray for those who have died that their souls rest in eternal peace, for they will not have died in vain. They are the martyrs who have died for a just cause, a cause that many of us here are all too familiar with. The question we ask is, why is it necessary for anyone to die in that quest for freedom? This is not acceptable to us and it never will be.

STATEMENTS BY THE MINISTRY

ELECTRICITY DEMAND AND SUPPLY

Hon Mrs McLeod: I would like to inform the House that Ontario Hydro has today submitted its demand/supply plan to the Minister of the Environment (Mr Bradley) for review under the Environmental Assessment Act. The plan contains Hydro's forecast of electricity demand and supply over the next 25 years and its proposed options for meeting the needs indicated.

In view of the importance of this document, I have asked that detailed information on its contents be provided to all members and that the plan itself be made available on request.

As I announced here earlier, the plan will be subjected to a thorough environmental assessment and the public will be given the opportunity to review and comment on the proposals made by Hydro.

In making this announcement, I want to assure the House that the government is committed to a thorough and timely review of Ontario's demand/supply plan so that Ontario will continue to have a supply of electricity that is both reliable and reasonably priced.

ACCESS FUND

Hon Ms Collins: It is my great pleasure to announce, on behalf of my colleague the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin) and myself as the Minister without Portfolio responsible for disabled persons, that the access fund will be extended for another three years, to 31 March 1993.

The program was created in June 1987 to help promote the independence and integration of disabled persons and senior citizens in this

province. Funding for the next three-year period will be \$15 million, bringing our government's commitment to this program to \$30 million.

As a direct result of the access fund, 353 renovation projects have already been carried out by community-based nonprofit organizations throughout our province, making their facilities barrier-free and accessible to everyone, including disabled and senior citizens.

During a recent program evaluation, we found that projects carried out under the access fund created for many Ontario communities their first truly accessible public facilities.

I am also pleased to announce that we are expanding the eligibility requirements of the access fund to include a broader range of organizations that might qualify for a matching grant; specifically:

community-based nonprofit organizations which provide important services to seniors and persons with disabilities. Services such as consumer advocacy, training and employment, volunteer services and volunteer co-ordination and shelter for victims of family violence will now be eligible to apply for access fund grants;

the eligibility requirements of the access fund will also be expanded to allow organizations to equip their facilities with portable aids for people who are hard of hearing or deaf, equipment such as FM amplification systems and TDDs, telecommunication devices for the deaf, and

for certain organizations which have the primary mandate of serving disabled persons and senior citizens such as consumer organizations and elderly/disabled persons' centres, the access fund may provide up to 75 per cent of the total funding required. The maximum grant for any individual project will continue to be \$50,000.

The extension of the access fund for an additional three years and the broadening of the eligibility requirements for qualifying projects are a clear demonstration that this government is honouring its commitment to the disabled community of Ontario and to Ontario senior citizens.

1400

PARENTAL LEAVE

Hon Mr Phillips: I would like to inform the members of this House about the progress that we are making on amendments to our Employment Standards Act to expand unpaid family leave. In October, as the members recall, I announced that my ministry would be undertaking public consultation on family leave legislation. That consultation process has been wide-ranging. We have heard from groups representing labour and

business, as well as organizations that have the particular interests of women and family at heart.

These groups have been generally supportive of the government's proposed direction, and their feedback has been very helpful. We will now review their comments and their concerns.

Our family leave legislation is partially linked to the upcoming federal legislation regarding unemployment insurance benefits. Currently, as the members know, the federal government pays unemployment insurance benefits to employees taking leave relating to birth or adoption. However, it is the province, through its labour legislation, that provides job protection to employees while they receive these benefits. Provincial law ensures that employees have jobs to return to when their leaves are completed. A new federal policy on unemployment insurance benefits would increase the maximum benefits entitlement for natural mothers to 30 weeks from the current 15 weeks. And for the first time, natural fathers would be entitled to parental benefits.

It was anticipated that the federal bill bringing in these changes—it is called Bill C-21—would be proclaimed on 1 January 1990, and that new unemployment insurance benefits for parents would be available from that date.

Mr Speaker, as I think you are now aware, it is uncertain whether the federal government will proclaim that bill at that time. Nevertheless, it is my intention to introduce family leave amendments to the Employment Standards Act in the new year. Part of our legislation will include a provision which will harmonize provincial law regarding job protection for workers with the federal government's new parental benefits offered through the unemployment insurance system.

Our amendments will provide employees with job protection which, at a minimum, will parallel the additional parental unemployment insurance benefits that will be offered on the new federal policy. Should the federal benefits come into effect first, before our expanded job protection, we would expect employers to grant employees periods of parental leave that would be comparable with the federal benefits.

The consultation process that we have been engaged in has demonstrated already that there is co-operation among the workplace parties in the matter of family leave. I am confident that employers and employees will continue to resolve these matters co-operatively. I look forward to introducing family leave legislation extending the job protection offered to new

parents at the earliest opportunity in the new year.

RESPONSES

ELECTRICITY DEMAND AND SUPPLY

Mr Charlton: I would like to take a few minutes to respond to the almost nonstatement by the Minister of Energy here this afternoon. I can understand why the minister would want to distance herself from the document which Hydro tabled with the Minister of the Environment today and submitted for environmental assessment. Having spent the morning reviewing this document, this document lays out in very clear terms all of those things that this government has failed to come to terms with over the course of the last four years.

This document reminds me of 1974 revisited. We had Ontario Hydro proposing to this Legislature the need for seven Darlington-sized nuclear plants, of which, as the members are well aware, we built one. Today we have Ontario Hydro back here proposing to build, in a very confusing fashion, somewhere between two and four more Darlington-sized nuclear plants, none of which we need but all of which Hydro feels it needs because of the failures of this government to come to terms with the major energy issues in this province.

For example, this document sets out Hydro's beliefs that between now and the year 2014, it will only be able to find some 2,000 megawatts of new, independent generation in the province of Ontario. At the same time, the independent power producers of this province said, and said clearly, yesterday that if Ontario Hydro was prepared to pay them precisely the same energy rate that it is prepared to pay to the province of Manitoba to import power, those energy producers in this province, Ontario producers, could provide 8,000 megawatts of electricity, or 6,000 in addition to Hydro's projections.

This government has failed to come to terms with the avoided-cost question and the buyback rate, and as a result, we have a plan that does not reflect anything near the reality or the potential for our energy future in the province of Ontario.

The Ministry of Energy has spent several hundred thousand dollars on energy efficiency studies, studies which have identified tens of thousands of megawatts of potential energy savings in Ontario at costs that are lower than the nuclear option in the province of Ontario. But because this government has failed to provide the direction to Ontario Hydro in terms of new initiatives for energy efficiency, we have Ontario

Hydro proposing in this 25-year plan to capture far less than half of the potential which is identified in the ministry's own studies.

The Minister of Energy can stand in this House and make a statement like this statement she made today attempting to absolve herself of all responsibility for its content and ensuring that it will get a thorough review, but this report that was tabled today, this proposal, this plan, is a reflection of this government and its lack of understanding of Ontario Hydro and the energy issues in Ontario.

ACCESS FUND

Mr Allen: I want to compliment the Minister without Portfolio responsible for disabled persons and the Minister without Portfolio responsible for senior citizens' affairs in deciding to extend the access program for the disabled and seniors in this province.

My real unhappiness is that the fund was not doubled rather than simply continued, because we all know there is a very large unmet need out there. It is rather striking to note that while we are physically opening up buildings and facilities, we are not moving forward very fast with the opening of access to mainstream transportation, for instance, in this province and that the overall need we will need to meet with regard to physical access around this province will really only be known when we tackle the question of employment equity for the disabled in Ontario.

Only when, in fact, the disabled have access to work or have a need to move around this province for employment purposes as well as for personal and other social reasons will we know what the real need is, and at that point, the access funds will have to be much greater than they are.

ELECTRICITY DEMAND AND SUPPLY

Mr Cureatz: Mr Speaker, I know this being the Christmas season, you will allow some of the old Sam to come forward. I want to say to the Minister of Energy, this is unbelievable. One page, not even two sides; a major report concerning electrical production in the province of Ontario, and all the minister gives us is something without substance whatsoever.

It is enough to give a wolverine a heart attack. There is absolutely nothing here. It is the craziest thing I have ever seen in my life. This report was supposed to come out back in October, but someone from Europe was visiting with the Premier, so it had to be postponed until November and, finally, now.

It just so happens we are close to brownouts and blackouts in the province of Ontario, so at last the report can come forward so that this administration will not have to take the well due criticism it deserves.

The government has not planned for electrical production in Ontario since 1985, none whatsoever. Even when the illustrious Conservative Party of Ontario lost office, through the accord, I might add, Darlington at least was still being built, much to the chagrin of this present administration.

Now, what do we get from the report? I will tell members, typical Ontario Hydro. With all due respect, God bless it, it turned off the sign, at least in my riding, that says "Season's Greetings" after we were complaining about the usage of electricity. I will say to my colleague the member for Hamilton Mountain (Mr Charlton)—and I give him credit; he brought this forward many times to all those various select committees and to the critics of Hydro—it is overkill. Look at this stuff. Holy smokes, you need a tandem dump truck to lug this stuff around, and what do we get? For the few minutes that I have got, let us look at the summary of the report.

1410

"Why Ontario Needs an Electrical Plan": In one sentence, because people need electricity. But no, they have got to put out a huge report. I will have to speak to the deputy minister about this again.

Now this is really great, chapter 2, "People Using Electricity." What can you say about that? People go turn on the switch, they turn on the television, they push the buttons on the microwave. They come out with a huge report: people use electricity. A real insight. I cannot believe it.

Finally, "Finding a Balanced Solution": If you turn to the appropriate page—and this is great—they talk about computer plans and makeups. Our illustrious Premier (Mr Peterson) went to Manitoba, and I know there is no other place he would rather be in the middle of winter than in Winnipeg signing a \$15-billion contract—with a Tory government, I might add—when the money should have been spent in Ontario so that we would have our own plant and our own jobs.

So what do we come up with? We come up with what we have been saying for a long time. Probably case 15 is what this government is going to have to decide. But we know what they are up to. Yes, we do. They are going to wait until after the election and then they are going to announce probably another nuclear station. Shame on them.

ACCESS FUND

Mrs Marland: I wish to respond very briefly to the statement by the Minister without Portfolio responsible for disabled persons (Ms Collins). I want to ensure just one thing, and that is that although this is a joint announcement from this minister and the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin), when this fund was originally announced by the former minister, the member for Essex South (Mr Mancini), it was announced as \$15 million for three years. During estimates I discovered that \$15 million had not been spent, and when that money was not allocated it did not automatically flow through to the next year.

I want to be sure that, as exciting as this \$30-million announcement is—\$15 million plus \$15 million—it will be \$30 million spent for the disabled community in Ontario, because this community is very deserving. They absolutely need it, but we do not want announcements that are reannouncements and then find, because the money is not flowed through to those groups, that it flows back into the consolidated revenue fund. Please ensure that this happens.

ORAL QUESTIONS

ELECTRICITY DEMAND AND SUPPLY

Mr B. Rae: I have a question to the Premier, who at one time was a critic of Hydro and now has become an apologist for Hydro. It is my understanding from a source within Hydro that the cost for the design, the typesetting, the printing and the publication of these reports, plus the third volume overview, was some \$1.84 million. Interestingly enough, the environmental analysis is printed on recycled paper but of course the demand-supply plan report is not printed on recycled paper. That shows the degree of the commitment to environmental analysis. That is the true definition of Liberalism.

My question to the minister is this, and it is a serious question: Given the fact that Hydro has this kind of power and these kinds of resources in putting forward its institutional point of view, its stake in more nuclear power, its stake in more growth—

The Speaker: Question.

Mr B. Rae: —and in complete expansion of the system, what is going to happen to ensure that citizens and other people who are concerned about this future have an equal stake and an equal power in achieving a fair result in terms of Ontario's energy future?

The Speaker: Premier?

Hon Mr Peterson: I am sorry. At one point the member said "Premier" and at one point he said "minister."

I want to thank my honourable friend for that very substantial question that he raises. Let me respond to my friend and say I do not know if the figures he uses in this House are correct or not, but it is obvious that a plan of this type is going to be scrutinized in every single detail. The member is quite right: I was a critic of Ontario Hydro, and I think he will notice that enormous changes have gone on in Ontario Hydro in the last little while, a direct result of some of the very knowledgeable and thoughtful criticism that we levelled when we were in opposition. We have rectified all the problems.

The member is still using the same old criticisms. He has not taken into account yet the enormous changes that have gone on in Hydro. Hydro has put forward its plan in the House today, and as my honourable friend will be aware, there will be a full environmental assessment of this matter. There is no question about that. It will all be subjected to public scrutiny. There will be, I expect, a very active, lively debate on all aspects of the report, as there has been in the past. I had many criticisms of Ontario Hydro, as my friend is aware. He is aware of the changes under the Power Corporation Act, the memorandum of understanding, the dramatic changes that have gone on, the buys outside the province, the conservation programs. My honourable friend, knowledgeable as he is, is aware that we have affected major change at Ontario Hydro.

Mr B. Rae: There has been far more change in the position of the Liberal Party and in the position of the leader of the Liberal Party than there ever has been in Ontario Hydro, I can tell members that right now. That is the change that is significant. It is ironic that the day before Ontario Hydro is presenting its view as to the very best that it can do in terms of buying from alternative producers of power within Ontario, the day before it says this is the very best it can do, the Independent Power Producers' Society of Ontario told us that, "If you give us the same deal as you gave Manitoba, we can increase fourfold the amount that is produced in Ontario." That is the statement from the independent power producers of Ontario.

Just what is the Premier going to do within his own government to make sure that there is an alternative view to Hydro? Where is the conservationist alternative perspective going to come

from within his own government to take on the forces of uncontrolled growth as represented by Ontario Hydro?

Hon Mr Peterson: My friend has this conspiracy theory of life, that everybody is conspiring together to get him and his own theories. I ask my honourable friend to scrutinize the report. I think he would not want to jump to any superficial conclusions. He would want to look at all aspects of it. He would want to look at the conservation, he would want to look at the cogeneration, he would want to look at the changes that have already gone on with respect to cogeneration and how that fits into the plans, and then he would want to come up with a thoughtful, balanced, reflective view as opposed to just a quick jump at a report that he has obviously not had time to reflect on.

Mr B. Rae: I asked the Premier a very specific question. I asked him three times. I want to ask him again: What is he doing within his own government to ensure that the taxpayers of this province have an alternative point of view that is funded, that is ready, that is there and that is going to present an alternative to the institutional power that is represented by Ontario Hydro? What is he going to do ensure that view is represented?

Hon Mr Peterson: There is no conspiracy by Ontario Hydro to beat the member into oblivion. That is not the case. Their responsibility is to provide power at cost in this province. They have a variety of options on how to do that, and they are going to be presented for public scrutiny. The member just may have a lot better, more thoughtful ideas himself about how to run Ontario Hydro. There will be intervenor funding, there will be a full public scrutiny and review and many groups will have views and want to express those. We welcome those, and I think everyone would want to be engaged in this debate, now and for the future.

As my honourable friend knows, it is a multipronged strategy, both on the demand side and on the supply side. Alternatives have been put forward and will be thoroughly scrutinized. If the member has better ideas on how to run Ontario Hydro, he should stand up and tell us. If he has better ideas on how to provide hydro 10, 20, 30 years from now, then we will want to hear those and we will want to scrutinize those as well. But I can tell my honourable friend it is all there. He will have many opportunities to present his views, as will other interested people. We believe that it is a sensible, democratic way to

make the kinds of decisions that are going to have to be made.

1420

CHILD POVERTY

Mr B. Rae: My question is to the Minister of Health. One of the disturbing facts about life in Ontario today is that poverty has a direct impact on the health of everyone, but it has a particularly dramatic effect on the health of kids.

It has recently been discovered that the two-year survival rate for children with acute lymphoblastic leukaemia was only 28 per cent for kids in a low socioeconomic group and 51 per cent for those in a higher socioeconomic group. That is just one example, but I think it is a particularly dramatic one.

The experts say that the outcome for poor children may be due to such factors as more advanced disease at the time of diagnosis, inadequate access to health care, poor compliance with therapy or poor nutrition. All of these things are having an impact on whether or not kids who get leukaemia survive.

My question for the minister is this: The studies from the public health experts are growing. They are overwhelmingly clear that the biggest factor in determining health among kids is how much money they have, what kind of food they can get and what their status in life is. I want to ask the minister why her ministry is not tackling the problem of poverty head on and seeing it as a major public health issue in the province?

Hon Mrs Caplan: I want to thank the Leader of the Opposition for raising what I think is a very important issue. We all know that the goal of our health care system is to improve the health of our population. It is the reason that we are conducting health status surveys and that we are acknowledging that health is far more than just the treatment of illness.

When we talk about the need to shift resources on the basis of outcomes—and he used the word, I think, most appropriately—and we talk about health promotion and disease prevention, we rely on those very kinds of research studies to help us make sure that our health programs, as they are developed within the Ministry of Health, respond to the need for appropriate care for the people of this province.

Mr B. Rae: I did not hear an answer to my question. I asked the minister why she is not transferring resources within her own ministry to ensure that poor kids who get cancer have as much a chance at life and survival as rich kids

who get cancer. That is a very specific question. I want to ask the minister why she is not transferring resources within her own ministry to deal with this crisis. The fact of the matter is that poverty is the key determinant of public health in the province today. It is the key determinant factor in what happens to survival rates among young kids with cancer, something as basic as that.

I am asking the minister what she is doing within her own ministry to transfer resources to deal with poverty as a health issue, because it is a health issue.

Hon Mrs Caplan: When we talk about the provision of appropriate services, when we talk about the need to ensure that our resources are used most effectively to respond to what people really need, we must look at what the determinants of health are. We know that the creation of wealth is the single most important determinant of our health. We know that health, as I said, is not simply the treatment of illness but a resource for living.

I would say to the member that the very foundation and the principles of our medicare system, which are universal access, reasonable access, comprehensiveness of our approach to programs and portability in public administration, allow us to establish the kinds of priorities that would let us focus on health promotion and disease prevention opportunities.

I would say to him that our commitment under Bill 94 to eliminate user fees and to eliminate extra billing was a significant step forward to meeting those objectives. I would say as well that this is a very important debate—

The Speaker: Order.

Mr B. Rae: The Toronto Board of Health is now beginning to do studies which I think are going to have a major impact on public health, not only in this city but across the province and indeed across North America. All the initial studies of the medical officer of health in Toronto establish that one in three kids is going to school hungry, and that hunger among kids is the most pressing public health issue facing our young people today in this community. I am asking the minister specifically what she is going to do to transfer resources so that young kids get some food.

Hon Mrs Caplan: As the Leader of the Opposition knows, this year we will spend some \$13.9 billion in the Ministry of Health. We know that the system that we have in place is a good one and that some 80 per cent of the resources being used are appropriate and leading to appropriate

care. That does mean that we can, through quality assurance and effectiveness evaluation of everything that we are doing, look at how we can make sure that resources are made available for programs which will lead to better health outcomes and improve the health status of the people of this province.

Not only are we concerned about the treatment of illness; I am particularly concerned about improving health and having a healthier life for our children. I would say to the member that if he will work with us to look at how we can evaluate and monitor the effectiveness of our programs to ensure appropriate care, we can look at the appropriate reallocation and the shift from inappropriate—

The Speaker: Thank you.

ELECTRICITY DEMAND AND SUPPLY

Mr Brandt: My question is for the Minister of Energy. I want to relate to the power supply study that was released today and that has been discussed earlier in this House.

Ontario Hydro indicates that there are going to be serious shortages, as the minister is aware, in the hydro power supply that will be available by the mid-1990s. We are already, as she is also well aware, suffering from shortages now that are causing plants to be shut down as a result of the inadequate supply of power.

Given the length of time that would be involved in the proposed approval process with the environmental review, the specific site review, public review, government review, all of those necessary steps that have to be taken, and recognizing when this power is needed, which is virtually immediately, what is the estimate of her ministry with respect to the time required for Ontario Hydro to get through the approval process for either a fossil fuel or a nuclear plant, if that is the final decision that is made?

Hon Mrs McLeod: Before I address the specific question in terms of the anticipated time lines, I would like to acknowledge, as I have in the past in this House, that the decision about the environmental approval process was one which was worked out jointly with the Ministry of the Environment and in full consultation with Ontario Hydro, recognizing that we were absolutely committed to having a full public review, going through the environmental approvals process, but at the same time wanted to do that in as timely a fashion as possible, recognizing the concerns for reliability of electricity supply. So all of the planning that has gone into the

approvals process relates to the kinds of concerns the honourable member is raising.

In terms of the specific time frame, We are in a position, because of having determined the process, to begin a government review immediately. That is a six-month process. The first phase of the hearings on the basic nature of the plans would take approximately 18 months to two years. That would be followed by site-specific hearings dealing with whatever options are approved at the end of the first phase of the hearings.

Mr Brandt: The minister well knows that even if all the approvals were in place today, it would take at the very least a decade before a new plant could be up and operating, with all of the best intentions, and probably longer given an extensive review process as approved, which I understand is necessary. What I am concerned about is the kind of procrastination, the kind of dithering that has gone on and the wasted years in getting on with the job that is absolutely essential and that has to be done. This government, under her ministry, has not moved quickly enough to bring this matter forward to the point where it can serve the power needs of this province. We are going through an extremely difficult period—

The Speaker: And the question might be.

Mr Brandt: —as she is well aware and what is happening is that these shortages are going to become more and more critical. Is her government committed to any kind of a specific program with respect to approvals so that she can get on with the job that has to be done, because I tell her she is putting the economic growth of this province in jeopardy—

The Speaker: Order.

Hon Mrs McLeod: I would remind the honourable member that in fact it is Ontario Hydro's mandate to carry out the planning necessary to ensure that there is reliable electricity delivered to the consumers of this province. What we have done in dealing with our response to Ontario Hydro's planning process is not at all to procrastinate but in fact to have in place a process before the plan was tabled with government to be able to carry out the approvals process for that plan as quickly as possible. The government review process will begin first thing in the new year. We anticipate that it will be completed at the conclusion of the six-month period and public hearings can begin immediately after that.

Mr Cureatz: In the most humble, quiet manner that I can, and now that the minister will have the opportunity to respond, as she did not on my opening dialogue, in terms of her insignificant statement, the truth of the matter is that she is waiting until after the next provincial election, when the then former Treasurer of Ontario becomes chairman of Ontario Hydro, to finally make the decision that they are going to have to build another nuclear plant. Yes or no, they are waiting until after the next election?

Hon Mrs McLeod: No, that is not the basis for determining the approvals process that would be brought to bear on Ontario Hydro's plans. I would again stress the fact—and this is not an attempt to distance myself in any way from the issues but to recognize the reality that the responsibility for planning is Hydro's—Hydro has brought forward a plan today and tabled that with us. We are absolutely committed to a full public review of the issues that are involved in the planning for our electricity choices of the future. We have that process in place. That is a commitment which we would make at any time or any stage of the planning process for provision of electricity in Ontario.

Just to reassure the honourable member, if we look very carefully at the plans that have been tabled, Ontario Hydro does have plans to meet the more immediate needs of the electricity system and has fully anticipated the length of time which it will take to carry out this approvals process.

Mr Brandt: To the same minister, she indicates that the process is in the hands of and in the control of Ontario Hydro as it relates to the supply of the additional power requirements of the province. That being the case, could I ask then the minister to explain the comments made by her Premier (Mr Peterson) relative to the construction of and the need for Darlington over the course of the past couple of years?

Hon Mrs McLeod: I would want the honourable member to be much more specific in referencing particular comments that he would like me to address. I can certainly address the issue of this government's position and our goals in terms of working with Ontario Hydro to meet the electricity needs of this province. We would share the goal of ensuring that there is reliable electricity provided at reasonable cost, and we bring that additional commitment of ensuring that any any supply of electricity and any decisions about options are sensitive and responsive to environmental concerns. That has been very much a consistent position of the Premier

and of this government and it is a position which we carry into the review of Ontario Hydro's plans.

Mr Brandt: I appreciate the minister asking me to be more specific and so I will be. The comments that I have some concerns about, as they relate to the administration and the management of Ontario Hydro by Ontario Hydro, were statements to the effect that there was some real concern on the part of the Premier about whether or not Darlington was in fact even needed, whether nuclear power was the option that should be considered by Ontario. I wonder if the minister has taken into account the direction that has already been established by her government as it relates to the various alternatives that might be available to Ontario Hydro. Is she now saying that the nuclear option is back on the table as a viable alternative for future power generation in this province—

The Speaker: Minister.

Mr Brandt: —because that would run contrary to the specific statements made by—

The Speaker: The question was asked.

Hon Mrs McLeod: The honourable member raises, I think, two very separate issues, one being the whole question of the accountability of Ontario Hydro and the relationship between the government and the Ministry of Energy and Ontario Hydro. I think there have been a number of ways in which those concerns have been addressed, including amendments to the Power Corporation Act which were introduced and recently passed by this Legislature.

In terms specifically of the nuclear option, which is a part of the plans which Ontario Hydro has presented, and concerns that have been raised, certainly by members of this government in opposition and which continue to be raised by members of this party while in government, there are concerns about issues of the safety of nuclear plants, about waste disposal; the same kinds of concerns that members will hear reflected in the public in general. Those kinds of concerns have to be addressed.

We have undertaken studies to address them; the Atomic Energy Control Board has undertaken studies to address them; we are in fact committed to addressing those concerns, because there is nuclear power generation in Ontario and there will continue to be, whatever decisions are made about future choices.

Mr Cureatz: In fear of having to oblige the member for Niagara Falls (Mr Kerrio), who has just sent me a note, "Turn in your uniform,"

might I say to the minister, would she please advise us then, in terms of the concerns that she and this administration have for the planning process of ensuring Ontario residents and industry have an adequate supply of electricity, what will the select committee of energy be doing in January and February? Will the minister please share that with the members of the House so that people across Ontario will feel confident that there is some kind of planning process taking place?

Hon Mrs McLeod: I am not sure whether or not, in a supplementary question, the member still wants me to address the issue of the long-term planning of Ontario Hydro and the process that we have decided upon for review of those plans, because quite clearly we have made a decision to refer that to the Environmental Assessment Board, which has a quasi-judicial role to play and which we feel is the most appropriate and effective forum for having a full public review of those very essential long-term questions.

Asking me about the select committee on energy is, I feel, a somewhat different question, although I recognize that the select committee has been very much involved over the years in the kinds of issues that are going to be addressed through the planning process review.

There are a great many issues related to our energy choices in the future and I think the select committee will be involved in at least one or more of those issues over the next few months. It will have a very important role to play and we are discussing that with the chairman of the committee.

LAND USE PERMIT

Mr Wildman: I have a question to the same minister in her capacity of being responsible for the stewardship of Ontario's natural resources regarding the Kinoje project. Can the minister explain why her ministry issued a land use permit on the traditional lands of the Kashechewan first nation with little or no proper consultation with the people of the first nation?

Hon Mrs McLeod: I would have to ask the honourable member to provide me with more specifics of that particular land use permit for me to be able to comment on it or to pursue it in greater depth.

Mr Wildman: I would be glad to provide further information to the minister. The minister should be aware that the Muskegowuk first nation's declaration or rights includes the state-

ment, "We have the right to be guardians of the land and its resources."

In light of that and the commitment made by the Attorney General (Mr Scott) last week to negotiate Indian self-government, does the minister think it appropriate for her ministry to issue a land use permit on lands that are part of a trapline and thus interfere with the rights of the citizens of the first nation without first discussing the whole issue with the chief in council, and if she does think it inappropriate, would she revoke the land use permit until proper consultation takes place and the first nation has given its approval for the project?

Hon Mrs McLeod: I would really have to ask for an opportunity to review both the land use permit specifically and its intent before I could respond in detail to the member's question, but I would certainly want to indicate that I am completely in support of the initiatives that were announced by the minister responsible for native affairs (Mr Scott) last week. My ministry and I share a commitment to working with the peoples of the first nations in order to work with the partnerships which they have proposed in terms of their access to the resources of our lands. As well, I know the minister responsible for native affairs has a commitment to carrying forward discussion on specific land claim issues. We are prepared to do that with each of the first nation groups that comes forward and wishes to have those discussions with us.

1440

EMPLOYER HEALTH LEVY

Mr Pope: My question is for the Premier with respect to Bill 47, the employer health tax. In the last couple of weeks, we have received a number of letters and many calls from small business particularly, and also those who are labour-intensive, and specifically I have received a couple of calls from firms who claim that their salary costs are 60 to 70 per cent of total income and their gross profit margin is the equivalent of five per cent of total wages paid. They claim that because of the employer health tax, 40 per cent of that profit margin is now going to be taken by an ad valorem payroll tax. They also claim that because of this they have to reassess whether or not they are going to continue in business at all and, second, whether or not they are going to continue to employ the number of people they now employ or any employees at all.

What I want to ask is, did the Premier really contemplate, in this time of recession and layoffs announced in the media, this kind of economic

effect from his employer health tax when he introduced it?

Hon Mr Peterson: The Treasurer has thought out all of these matters and he will explain his thinking to the member, since the member has not been here very often lately.

Hon R. F. Nixon: I am very glad that the Premier continues to have confidence in my ability to think through these difficult matters, and as usual, he is entirely correct. I can tell the honourable member that we reviewed the situation very carefully. We are not the first jurisdiction that has applied a payroll tax, and this one is directly associated with the provision of our medicare program.

I think he would be aware from his own days in government that the program involving premiums, which we have, until the end of this month, has been funding, or did fund in those days, just under 20 per cent of the cost of OHIP. We froze these costs when we took office, and as the costs of medicare expanded, these sank in their efficiency in funding medicare until they are presently about 13 per cent of the costs of medicare. It became apparent that we had to have a better and more appropriate method for funding medicare and that gave rise to the payroll tax that the Legislature has been good enough to approve in all but its third reading component. We look forward to that some time in the next few hours.

We are aware, and the honourable member would be aware, that essentially the same amount of money that was collected from industry and employers by way of premiums will now be collected through the payroll tax, except for one thing. We have deliberately raised the share of the revenue from 13 per cent to 16 per cent, which we think is fair and equitable. We know that in some instances businesses are going to find this difficult to levy, but we feel that it is fair and essential if we are going to continue to fund medicare.

Mr Pope: The Treasurer was so concerned about it he never bothered doing an economic impact analysis of Bill 47 before he introduced it. The Premier, while he is here, does not deem it necessary to reply to job losses, does not find it necessary to lower himself to deal with the economic impact of his inflationary tax policies; it is beneath him to worry about—

The Speaker: Order. With respect, I recognized the member to place a supplementary to the Treasurer.

Mr Pope: My question to the Treasurer is: While he obviously, from his answer, did not

consider the job impact of Bill 47, could he tell me why there is no contemplation of the following effects of Bill 47? For a worker over the age of 65 who is employed and the company was paying OHIP premiums for its employees; prior to Bill 47 it did not have to pay OHIP premiums for an employee over the age of 65 but now will have to pay the payroll tax.

A small business that employed a husband and wife in the business, formerly could pay the OHIP premium on a family rate. Now they will have to pay a two per cent payroll tax on the basis of both salaries.

Why were these detrimental impacts on small business employing people over the age of 65, or employing couples, never contemplated when the Treasurer introduced this legislation?

Hon R. F. Nixon: Mr Speaker, I am sure you would know that those matters were carefully considered and we think that in fact we have increased the equity for small business, because we have applied a rate that is simply half the standard rate that is applied to business in general. Instead of 1.95 it is less than one per cent and we feel that this is a bargain indeed to small business.

As a matter of fact, to some of the businesses in the province that are actually employing people at the minimum wage, the cost is less than an extra five cents an hour. For that, we have a program which is generally considered, and all sensible people, including the Minister of Health (Mrs Caplan), would agree among the best in the world.

DOWNSVIEW REHABILITATION CENTRE

Mr Polsinelli: My question is to the Minister of Labour. As the minister knows, the Downsview Rehabilitation Centre is located in my riding of Yorkview but the Workers' Compensation Board has decided to decentralize medical rehabilitation services across the province to offer injured workers treatment closer to their homes. While we know that the Downsview site will be undergoing changes, no specific date or time frame has been given, and according to the board, it will be some time before a final decision will be made with respect to the site. Can the minister shed some light on this situation and inform us as to what process has been established to determine the future use of the lands?

Hon Mr Phillips: The timing of the closing of that site, and I know the member has a good deal of interest in it, as do his constituents, is timed very much to the ability of the board to implement its decentralized strategy, as the

member has mentioned. What the board has been doing is to designate, I think, about 100 community clinics, which it has now done. It has designated, 11 or 12 regional assessment centres, which now has been done.

Actually, coincidentally, as we speak, the board is announcing this afternoon the final phase of that decentralization, which is its medical rehabilitation institute. They will announce that this afternoon. Having those things in place, it is my understanding that the Workers' Compensation Board plans to close that facility some time in 1991.

Mr Polsinelli: As the minister knows, this is an issue of concern to many of my constituents who live in the area and are afraid that the board will give them a final decision with no input. Can the minister assure me and the members of the community that the local citizens will be involved in any decision made with respect to the use of those lands?

Hon Mr Phillips: I hope I can provide at least partial reassurance to the member. Now that the project in terms of decentralization and the closing of that facility is well under way, I understand the board is beginning to turn its attention to what use it will make of that asset. That is a site of 65 acres, I think, and is obviously of considerable value to the Workers' Compensation Board.

Having said all of that, I would urge the member and his constituents to become involved with the board at this stage, in terms of thoughts they might have for that facility. I must emphasize that, frankly, the final decision will be the board's, but it is one where I think it would welcome input from the local community. Because it is now beginning to turn its attention to the matter, I think now is the time that the member and his constituents might want to begin to let their views be known.

PAY EQUITY

Mr Mackenzie: I have a question of the Minister of Labour. The Libbey Owens Ford plant in Lindsay has become notorious for its contempt for the labour and safety and health laws in Ontario. Its recent handling of the strike was followed by a refusal to deal with grievances and by time limits arbitrarily set on grievances.

But my concern is the pay equity legislation, which is the latest law in Ontario under attack. Subsections 9(2) and 14(1) and (2) say it is incumbent upon companies to negotiate, set up a committee and talk about the pay equity problems in that particular plant.

Libbey Owens Ford called the chairperson of that committee into the office and insisted that she sign a document stating they did not need to set up a committee and that everything was A-okay, they did not need to hold any discussions in terms of the pay equity legislation.

What is the minister going to do to see that these kinds of actions do not make a mockery out of the pay equity issue in Ontario?

Hon Mr Phillips: The member did raise this, I think, in a statement in the House recently. I did inquire of the Pay Equity Commission of Ontario whether it had any complaints from that particular union. At least at that time, they informed me they had not.

I would say two things. One is that I would urge that if the union is having difficulty, it take advantage of the services of the Pay Equity Commission. It is their role to help to ensure that this legislation goes smoothly, and certainly as we are now, I guess, less than two weeks away from the time when companies with 500 or more employees and the public sector must post their plans, I hope that organizations would take advantage of the services of the Pay Equity Commission to resolve matters such as this. I have been led to believe that the commission has not heard from the union in this matter, so I urge it to take advantage of those services.

1450

Mr Mackenzie: If we are going to seriously redress the issue of gender discrimination, these kinds of actions cannot be allowed. As the minister knows, this union has had to go to the Ministry of Labour and the health and safety people on an almost monthly basis in this particular plant. This is but the latest example of their disregard for the law. What is the minister doing generally to monitor it? Does it require in every case a request from the workers involved? What about those workers who do not have an active or powerful union such as this one? What is the minister doing to monitor the implementation of this legislation when these kinds of actions are going on in Ontario?

Hon Mr Phillips: We have established the commission with considerable resources. It has a fine staff who are trained and available for just these sorts of matters, to help ensure that the pay equity legislation is smoothly implemented. It is, as I think all members know, without question the most progressive piece of pay equity legislation in North America. No one disputes that. Everyone who is involved in pay equity would acknowledge that, and I take my cap off to the

Attorney General (Mr Scott), who spearheaded this legislation two years ago.

The Pay Equity Commission is responsible for implementing that. They are available to assist in just these sorts of matters, and I would urge the unions and companies and employees to take advantage of the very fine services that they offer. It is in the interest of all of us to make certain that this progressive legislation is implemented so we do redress some of these matters of equity unfairness.

NONTRADITIONAL OCCUPATIONS

Mr Jackson: I have a question for the Minister of Skills Development. With his recent announcement, last Friday, of the restructuring of the Ministry of Skills Development, I am concerned about the status of one of the minister's recent promises. In September 1989, in an issue of his document Skills Letter, he stated that: "The skills ministry will increase the number of women being trained in nontraditional occupations by 3,000 more women by the year 1992. That is 1,000 more women each year." During estimates it was revealed that the number of women actually entering nontraditional occupations through his apprenticeship program actually decreased in relative terms last year, from 4.59 per cent down to 4.41 per cent. Finally, according to his government's own projections, an economic recession is on the horizon. How can he, as Minister of Skills Development, ensure that 3,000 more women will enrol in nontraditional occupations with the economy and his government's own apprenticeship statistics in relative decline?

Hon Mr Conway: The government has undertaken a realignment of a number of the programs that have traditionally been housed within the Ministry of Skills Development because we are particularly concerned at meeting the future needs that have been identified in the community and in the economy. Unlike a predecessor government, we have set very real and, we think, achievable targets to improve the participation of women in the nontraditional areas in so far as the economy is concerned. We have got a number of projects up and running at the present time. The Ontario women's directorate has been closely involved with the Ministry of Skills Development. I am certainly very confident that we are going to be able to meet the targets that were set some time ago in terms of increasing female participation in these key areas.

Mr Jackson: The problem, and this government's inability to deal with this, is not as new as the minister would have us believe. The Ministry of Skills Development identified a serious lack of women in nontraditional occupations as early as 1987, almost three years ago. The then minister responsible for women's issues, the member for St George-St David (Mr Scott), tabled a document in Halifax entitled Training Women in the Workplace. It spoke at length to his government's commitment to women's equality. Yet the number of women entering nontraditional occupations has increased by a mere 103 in the last year and, according to projections, will only increase by about 60 more women this year.

In short, the minister's government's commitment to women's workplace equality is increasing at a decreasing rate. In light of his failure with this program, will the minister explain why he is dismantling the Ministry of Skills Development and why he—

The Speaker: That sounds like a supplementary.

Mr Jackson: —has dismantled it into six other ministries, and yet nowhere is the Minister without Portfolio responsible for women's issues (Mrs Wilson) being indicated—

The Speaker: Order. I asked the member for "a" supplementary.

Hon Mr Conway: I do not deny that there is a very real challenge out there for all of us in the community to meet. It would be very foolhardy to imagine that government is going to be able to do this alone, because clearly we are going to have to change attitudes. We must all recognize that as we face a situation where the workforce is going to be 50 per cent female by the end of the 1990s, we have simply got to change the way we do business. We are going to be effecting major change in counselling at the elementary and secondary levels in education because we want to ensure that girls in elementary and secondary education understand the opportunities that will be available to them in the skilled trades area.

There have been very progressive steps taken by, for example, Local 27 of the carpenters' union. They have undertaken a program to increase the female participation in that trade. There is a program in Ottawa to do the same in another area of the skilled sector. As far as the redeployment of the programs under Skills Development—

Mr Jackson: Come on, Sean. Women don't scare you that much, do they?

The Speaker: Order. The member for Burlington South does not seem to appear too interested. I would also remind the member that on many occasions I have asked all members to address their comments through the chair. Not the minister; I am informing the member for Burlington South who seemed to have a very bold interjection.

RED MEAT II

Miss Roberts: My question is to the Minister of Agriculture and Food. I recently was contacted by two of my constituents, Robert and John Brown of Fingal, who indicated to me that they were experiencing some difficulty with the health management component of the Red Meat II program. Under that component, producers are encouraged to consult with veterinarians in order to identify means of improving productivity in their herds. This requires two consultative visits by the veterinarian at least 30 days apart. The difficulty for my constituents, and no doubt for many other producers, is that the details of the health management component were not announced in a sufficient time to fulfil the program requirement to meet the deadline of 31 December 1989. Could the minister indicate if he is prepared to rectify this?

Hon Mr Ramsay: I would like to thank the member for Elgin not only for asking the question but for bringing this matter to my attention. I have reviewed this situation with my officials and have decided to extend the deadline three months for the consultative health studies to take place, so instead of ending—

[Applause]

Hon Mr Ramsay: I am also pleased to have the support of my fellow members on this decision and to know the team is behind me on this decision.

This will allow time for the producer and the veterinarian to plan to carry out the consultative health study and to plan that out at their convenience, so that we have a good farm management program developed on each of the applicants' operations.

I will also be informing our county offices to inform the applicants and we will be directing this information through the media also.

Miss Roberts: I am very pleased to hear that the minister is addressing that problem with the Red Meat II program, but now that I have a chance, could he also tell me if there are any other problems with the Red Meat II program or at least update us on how it is going along?

Hon Mr Ramsay: There are no other problems on the Red Meat II program. As members know—now that we have that one fixed up—the the Red Meat II plan was announced in June or July of last year as a follow-up to the very successful original red meat plan that helped producers in Ontario with herd management. It would be of interest to members that goat meat has now been added to the plan, so it is now sheep, beef and goat meat. This is going to offer increased efficiency, competitiveness and productivity and quality assurance for all our livestock producers in Ontario.

SALE OF LIQUOR

Mr Hampton: My question is for the Minister of Consumer and Commercial Relations. His ministry has established and is establishing a number of agency stores to sell liquor and beer around the province. Can he tell me, does he as minister approve of liquor being sold in stores where someone can also purchase a rifle and ammunition at the same time or does he approve of liquor and beer being sold in stores where someone can fill up his tank with gas and buy a six-pack of beer for the road? Does he approve of those kinds of retailing techniques?

1500

Hon Mr Sorbara: Let me tell my friend that I approve of having a distribution system for beverage alcohol in the province that combines two matters and two policy issues.

The first is to make sure that one is responding appropriately to consumer demands. That is why members have seen, over the past few years under this government, a series of initiatives that respond to changing consumer tastes.

The second thing that is fundamental to the principle of the distribution of alcohol in this province is the socially responsible use of alcohol.

Those are the principles that drive all our decisions on how and where and at what times of the day and at what locations we sell beverage alcohol in this province, and I think we have done a darned good job at it.

Mr Hampton: I noticed which principle came first in the minister's statement: consumer demand. His government claims that it is committed and opposed to drinking and driving. His government says that it is opposed to violence in our society. He must acknowledge that there is a high correlation in terms of the relationship between alcohol consumption and violence.

He must acknowledge that when he sells alcohol and beer out of a gas station, he is sending a very clear message to people. How does he justify those kinds of sales techniques? Is it again, as he said in his first principle, simply—

The Speaker: Order.

Hon Mr Sorbara: My friend the member for Rainy River is really expressing absolute and patent nonsense to the other members of this House. If you followed his logic, you would bring in regulations that would require everyone to walk to a Liquor Control Board of Ontario store to ensure that they are not carrying beverage alcohol in their car as they drive home. It is absolute silliness, and that kind of silliness does not help one iota in working out the combination of these two principles.

I have no problem at all with an individual going to a store and buying alcohol and putting it in his car and then going to a gas station and filling up his car because in order to get home the car has to be filled with gas. I cannot tell him any more on this subject.

PLASTICS RECYCLING

Mr Sterling: I have a question of the Minister of the Environment. Last week, the member for Nepean (Mr Daigeler) praised a report on the pilot project to recycle plastics in Nepean. He said the Barrhaven experience showed that plastics recovery for recycling is feasible for communities where the blue box program exists. What he failed to say was that the city of Nepean has decided to cancel the program because it is uneconomic.

The city spent \$1,750 per tonne to collect and ship plastic recyclable containers for a return of a mere \$145 a tonne. The minister has been quoted as saying the Barrhaven experiment has proven that plastics recycling works. How does the minister draw that conclusion?

Hon Mr Bradley: What the opponents of recycling will continue to say unfortunately—and when I hear others chiming in, “What do you think of that?” I have to say that this has long been the argument against recycling. I can tell the member there are people today, even in 1989, I say to the member, who are strongly opposed to recycling. The reason is they fail to look at the cost of landfilling.

When you are looking at the cost of landfilling, you must first of all look at the cost of siting a landfill; that is, going through an environmental process to site a landfill. Second, you must look at the cost of the operation under more stringent rules today than ever before, the

operation of a landfill. Third, there is the perpetual care of that landfill in terms of a leachate catchment system and a methane gas catchment system. With all of those things taken into consideration, they will find that the cost of actually operating and establishing a landfill is far greater than we are going to see in terms of recycling in this province.

Mr Sterling: We are talking about a loss of \$1,605 for each tonne of plastic that is collected. I do not know of one political person in this province who is against recycling of all of our waste, but let's be practical. Is the minister going to subsidize the municipality to the tune of \$1,605 or, in the case of Nepean, some \$200,000 in order to take on this project? Is he willing to put his money where his mouth is on this matter?

Hon Mr Bradley: I have to say to the member again that one must always consider what the alternatives are to recycling. I know it is much easier to go out and dig a hole and pour the garbage into the ground. It has always been that way. The member is making out a situation where he has a product that is made from oil, the plastic is made from oil, and surely we would want to recycle that instead of simply having it thrown away, if the member really measures it against disposal. I ask for his support in this, as other members in this House have supported it. I think the member is an environmentally sensitive person. I certainly accept that fact. I ask his support in the crusade to make recycling work in Ontario. With his help, with his strong support in this province, together we can make it work.

PROVINCE OF ONTARIO LAND REGISTRATION AND INFORMATION SYSTEM

Mr Campbell: My question is to the Minister of Consumer and Commercial Relations. As the minister is aware, over the past five years Ontario has experienced a 60 per cent growth in real property transactions. The sheer volume of property deals has caused processing delays which have left real estate closings in doubt. In response to this situation, the previous minister announced the implementation of an automated property title indexing and mapping information system called Polaris, province of Ontario land registration and information system, which would expedite land registration and transfers in Ontario.

In April 1987, the county of Oxford land registry office introduced the first practical application of Polaris and the benefits were immediately apparent. Three other pilot projects,

of which Sudbury is one, were to be subsequently initiated. Can the minister update the House on the status of these pilot projects?

Hon Mr Sorbara: I want to begin by congratulating my colleague on his interest in the Polaris system and land registration in general. There really are two parts to his question. The first is that dramatic expansion in land transfers which has put some significant pressure on our land registry offices right around the province. I think we have done a rather good job in coping with those pressures as we move towards Polaris.

Polaris is not a program that is on the tip of the tongue of every single resident of the province, but residents of the province should know that it is one of the most exciting initiatives in implementing appropriate technologies to massive workloads of the government of this province. Once it is fully implemented, our land registry offices in this province will be the beneficiaries of the most modern and technologically appropriate way of registering land and communicating information about the ownership of land anywhere in the world.

In 1987, as my friend said, we implemented a 15-year plan to transfer all of the data that we have in written form into computer technologies and computer-based information technologies. We have a specific five-year plan, as my friend said, for five centres and we are proceeding apace.

Mr Campbell: I want to thank the minister for his response. I am pleased to see that progress has been made in Polaris, but any delays in its introduction could prove costly for Ontario. Polaris represents an opportunity for Ontario to be a national and international leader in this vital information industry, as the minister has pointed out.

The previous minister announced the implementation of Polaris could be accelerated if it was linked to the private sector. The idea of a joint venture was received with enthusiasm by the private sector in the fall of 1988. The final deadline for applications under the ministry's request for proposal was 28 February 1989 and a choice was to be made by the ministry in April. The interested private sector firms are still waiting for a decision and this delay is not only causing problems for the companies, but it is threatening Ontario's ability to provide a uniform land and resource information system that is world class.

Can the minister inform the House how soon a decision in this matter will be reached and how it

will affect the timetable of Polaris's implementation across the province?

1510

Hon Mr Sorbara: A decision on a private sector partner is imminent. I hope to be in a position to make an announcement very early in 1990. Just to provide members with some of the background on this private sector partnership, I want to tell my colleagues in the House that this partnership with the private sector entity will allow us not only to develop and implement Polaris province-wide on a much more accelerated timetable, but I think and our government believes it will give us the capacity to market that technology not only in North America but also, realistically, around the world.

We have to be very careful when we make our decisions about the partnerships we are going to achieve. We have to negotiate a relationship that secures the interests, first, of the people of the province, but also gives us the capacity to be world players in this high-tech area.

CONTAMINATED SOIL

Mrs Grier: My question is for the Minister of Housing and concerns homes on McClure Crescent in Scarborough, homes that have been the subject of many questions and many statements in this House, homes that were purchased by one of this minister's predecessors because the original purchasers of the homes were concerned about the radioactivity of the soil on which they were built, homes that were then rented out to families that were desperate for accommodation, homes where we now find the Minister of Government Services (Mr Ward) is undertaking remedial measures to remove radon gas from the basements because the level of radon gas that has been found is 75 per cent above acceptable levels.

Can the Minister of Housing explain to this House how he can possibly justify continuing occupancy of those homes and the activities of his ministry in continuing to rent them out.

Hon Mr Sweeney: There are two elements to it. The first is that while it is true the original owners of McClure Crescent decided to leave because of the soil conditions, there has always been some question whether those soil conditions were sufficiently hazardous that people should not be there at all, and it was on that basis that the Ministry of Government Services decided to rent the homes.

I would say to my honourable friend that if there were clear evidence that it was definitely hazardous to people's health, the ministry simply

would not have taken that action, but there is much in dispute in that. I am not trying to come down on one side or the other. I am just putting the facts, as I understand them, on the table.

Second, with respect to radon gas, it is now known that radon gas can exist in the basements of many homes in different parts of the province, but that there is a technical solution to it. There is a piece of equipment that can be put in the basements that can expel the radon gas and allow the home to be quite safe to live in.

On the basis of those two, I would have to say that unless we have further evidence to the contrary, it is not unsafe and is not unduly hazardous for people still to be in those homes.

Mrs Grier: Surely the minister would agree, and I think he did agree in his last sentence, that there is a great deal of debate as to what level constitutes a hazard and whether people ought to be exposed or whether they ought not to be exposed. I think it is significant that when this government came to office it was talking about removing the soil. The first Minister of Housing for this government attempted to remove the people, to purchase the houses and move the people out. Now what we find is this minister saying he is going to remove the radon gas.

Surely this minister ought to be explaining to us how that progression has occurred and why in the face, first, of trying to remove the soil and then removing the people, they have failed utterly in both of those endeavours and are now accepting the fact that all they can do is attempt to remove the gas. Surely that—

The Speaker: Minister.

Hon Mr Sweeney: I have to share with my honourable friend that the chief medical officer of health has made a scientific health determination that in fact the situation, that environment, is not hazardous with respect to the soil. That decision has been made. Now my honourable friend can challenge that, and by all means she should please do so. With respect to the removal of the soil, she is correct. That was the original intention. My honourable friend, though, is well aware of the fact that there has been—what shall I say?—considerable resistance as to where the removed soil would then be put. That has not been determined yet.

With respect to the radon gas, again I have to share with her that my scientific information, based on more expert authority than I, is that radon gas can be safely removed from the basements of houses. With the proper equipment that will expel the air containing the gas from the houses, they are quite safe.

If there is some point in time when we are told by health authorities, who have the expertise in this area that this is not so, then we would have to take different action, but at this point in time I believe the Minister of Government Services is acting appropriately given the scientific evidence and information that is available.

MOTION

HOUSE SITTING

Mr Ward moved that, notwithstanding any standing order, the House meet in the chamber from 10 am to 12 noon on Wednesday 20 December 1989.

Motion agreed to.

PETITIONS

NATUROPATHY

Ms Bryden: I have the honour to present a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario that I believe is in accord with the spirit of the new rules about petitions.

The petition says as follows:

“Whereas it is my constitutional right to have available and to choose the health care system of my preference;

“And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

“We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment.”

The petition is signed by 38 people, mainly from the riding of Beaches-Woodbine. I support the petition and have signed it. I am very pleased to present it through you, Mr Speaker, to the Lieutenant Governor and the Legislature.

FRENCH-LANGUAGE SERVICES

Mr Matrundola: I have a petition here that is signed by some 31 residents of the riding of Willowdale and it is my duty to present it. The petition calls upon the Legislative Assembly to repeal the French Language Services Act. As required by the standing rules, I have affixed my signature to the front of this petition.

AUTOMOBILE INSURANCE

Mr Adams: I have a petition from people in the Peterborough area concerning auto insurance.

"With regard to the pending legislation containing the new insurance proposals, we, the following listed licensed drivers, wish to express our deep concern against said legislation. "Once more the record-free driver will line the pockets of insurance companies and will be put at the mercy of careless or impaired drivers. The injustice of this is overwhelmingly apparent."

FRENCH-LANGUAGE SERVICES

Mr MacDonald: I have two petitions that I am presenting today. One contains 36 signatures and there is one with 136 signatures. Both of these petitions, addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, were signed by citizens who oppose the French Language Services Act. I have affixed my signature to these petitions.

REPORT BY COMMITTEE

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr Chiarelli from the standing committee on administration of justice presented the following report and moved its adoption.

Your committee begs to report the following bill as amended:

Bill 145, An Act to prohibit the Sale of Gun Replicas.

Motion agreed to.

Bill ordered for third reading.

1520

INTRODUCTION OF BILL

BUILDING CODE ACT, 1989

Mr Sweeney moved first reading of Bill 103, An Act to revise the Building Code Act.

Motion agreed to.

Hon Mr Sweeney: I am pleased to present for first reading the government's proposed amendments to the Building Code Act. The changes my ministry is presenting today will provide greater flexibility, efficiency and effectiveness in the enforcement of building regulations, while maintaining Ontario's commitment to public safety. My ministry has carefully reviewed the existing legislation and sought the advice of experts, building industry associations and other ministries.

As a result we are proposing the following: to allow municipal chief building officials to permit the substitution of equivalent materials, techniques or systems to those permitted in the building code, providing that the level of safety

and performance is not reduced; to develop a code for existing buildings which would consolidate and simplify current regulations; to allow for the issuance in special circumstances of a conditional permit in order to facilitate construction on some projects which are awaiting approvals not related to land use matters; to develop regulations allowing for the review of plans and the inspection of buildings by designated experts such as architects and professional engineers; to streamline the process for approving innovative building products and permit the minister to authorize the use of innovative materials, products, systems or services approved by the Canadian Construction Materials Centre. Finally, we propose to incorporate the plumbing code into the building code.

These amendments will streamline many aspects of the regulatory system and assist municipalities to carry out their important task of ensuring that buildings in the province are safe and sound. These changes should foster a more efficient and innovative building industry and help contain construction costs.

ORDERS OF THE DAY

THIRD READING

The following bill was given third reading on motion:

Bill 34, An Act to amend the District Municipality of Muskoka Act and the Education Act.

COMMERCIAL CONCENTRATION TAX ACT, 1989

Mr Mancini moved third reading of Bill 46, An Act to establish a Commercial Concentration Tax.

Ms Bryden: I cannot let third reading of this bill go by without raising my concerns about what I consider the worst piece of tax legislation ever introduced by the present government. It is a brand-new tax. It is discriminatory in that it applies only to the so-called greater Toronto area, which is a rather vague area stretching from Burlington to Newcastle. It is a very unequal, unfair and undefined tax. For that reason, it should have been withdrawn and other alternative sources of revenue considered for the purposes for which the Treasurer (Mr R. F. Nixon) says he is imposing this tax.

The objectives, he says, are to increase funds for the transportation needs and the infrastructure needs of the greater Toronto area. His argument is that businesses and parking lots in that area should pay extra taxes. It marks part of the

government's tax grabs from the past budget. On top of tax grabs of \$1 billion in each of the previous two years, there is the commercial concentration tax and the employers tax levy, which are further tax increases.

They are based on criteria that show they are not progressive taxes. We had hoped this government would keep its election promise to reform our tax system and bring in a progressive tax system. Instead, it is letting businesses off most of its new tax increases, except the employers tax levy, and it is not increasing the corporation income tax or taxing the various areas where there is ability to pay, which the province has power to tax and which are more suitable for the province to use.

The commercial concentration tax is an invasion of the municipal tax field and challenges the municipalities' occupancy of this field. We all know that they are very short of sources of revenue and that this creates a new tax authority in the greater Toronto area. There is no indication that tax authority is accountable to anybody but the provincial government and there is no indication that the collections and the decisions on the tax will be administered by anything else but the province.

It is a tax that hits those who have parking lots and those who use parking lots. It will create great chaos in the municipalities that rely on public parking. The estimates of the increase in parking lot fees on municipally operated lots range from 50 per cent to 150 per cent.

It will simply slow down economic development in the centre core of municipalities. It will affect people who rent space in centres and malls because of the relationship to the landlords and their share of the tax.

It is a most unfair tax and should have been withdrawn so that there could be more study of a proper source of additional revenue, if it was needed for these objectives the Treasurer mentioned.

One thing that is very bad about it is that there is no guarantee one cent of the revenue will go to any of the purposes for which the Treasurer said he was imposing this tax, namely, further infrastructure, further transportation. We know he has not spent a penny on the Sheppard subway, which is the greatest need in this city, and there is no guarantee he will spend a penny of this new tax on that.

He is talking about using it for transportation improvements in the greater Toronto area, but these have been heralded for the past two years and we still do not have very much evidence of

them being carried out, so it is not really new money he is promising. He says he is going to keep his previous commitments that are two years old and we are still waiting to see when they will be implemented.

It is an example of a tax grab and very poor tax policy. I think we should not give it third reading.

Mr Cousens: We had a chance to make a few comments on this as it was passing through the House on second reading, and on it now before it is given the strong approval and endorsement of the Liberal majority in this House. We have a few moments at the third reading stage to at least put on record once again our contempt for this bill, our contempt for the government for finding another way to tax, an unprecedented move by this government to move into a tax arena that heretofore was that of the municipalities and regional governments.

During the hearings that were held in this Legislature on this subject, there was no one who came forward in support of the bill. I was present and heard the presentation that was made by the chairman of Metropolitan Toronto. I have never before seen Mr Tonks as upset and genuinely concerned with the invasion the province is making on the municipality of Metropolitan Toronto taxation base.

1530

In making his presentation, he was supported as well by the Parking Authority of Toronto. The parking authority is barely able to handle the cost of parking. They are going to have to increase the cost for those who are using parking lots. It is going to drive people away from parking lots on to the roads, therefore adding to the gridlock that we are beginning to experience in the greater Toronto area. There is absolutely no doubt that the parking authority now will not be able to expand certain parking services because it is not going to have the money to do so.

We received presentations, as well, from business and industry and commerce, which are going to be impacted most negatively by this bill. I am in support of their concerns that in fact it is going to be a hardship on the hotel industry in the greater Toronto area. We are trying to attract tourism to this area. We are instead going to it them away. We will cease to be an attractive place for large conventions and groups of people to come and celebrate our beautiful city because we are pricing ourselves out of the market. There is no way the hotel industry can withstand the kind of hardship this is going to have without passing it on to the people it is trying to serve.

May I suggest as well, when we saw the impact that it will have on other businesses, they will have to pass on this increased cost of doing business to the people they are selling their services to, so retailers, distributors and others will be increasing the cost of their products and services accordingly, adding to and fuelling inflation in this province.

Can we take it lightly? We cannot. If there is anything that is a hardship to Ontario, it is the high cost of government, the high cost of doing business, making it unattractive for people to want to come and establish their business in the greater Toronto area.

There is no doubt in my mind this government is spending the money incorrectly, but it is now collecting the money incorrectly and wrongly.

I stand on the record and so does our caucus in opposition to this bill. We see it as contemptuous of business. Unfortunately, in the greater Toronto area, especially in Metropolitan Toronto, there is the property tax reassessment. Commercial areas are going to be hit doubly, not only by the commercial concentration levy but also by having to help carry the cost of the whole reassessment that is being considered for Metropolitan Toronto that has not yet been approved by this government. The legislation has not come forward.

But all we are doing is just adding to the load of what it is to run a business in this area. We are going to turn off the tap. We are going to turn off business. We are going to turn people away. We are making this into a community and a place where people are not going to want establish their business. I just hope that some of the Liberals are listening and may join our caucus in voting against this bill.

Mr Daigeler: Very quickly, last week, on 14 December, the member for Markham stood up and said in a statement in this House that the Ontario Progressive Conservative Party has "growing fears for the future of commuter transportation services in the greater Toronto area. We are concerned that the Ontario government is failing to address a looming crisis in transportation...." Bill 46 provides the revenue to address the concerns that the member has expressed. Bill 46 will provide the resources that will continue to keep Toronto a world-class city.

Mr Cousens: I ask the honourable member for Nepean if he can guarantee that all the moneys that are being collected from the commercial concentration levy are going to be assigned to roads and transportation services. A yes or no

answer would be all I would like to hear from this member.

Mrs Marland: Obviously, the member for Nepean, who gets up in a very shallow way and quotes my colleague the member for Markham and then does not have the intestinal fortitude to get up and answer his question, says it all.

The fact of the matter is we know that all of us who are involved in the greater Toronto area—and I suppose in our caucus currently that is the member for Markham and myself—know quite well that the commercial concentration tax revenue will not in any way be guaranteed to go back into services and infrastructure in the greater Toronto area.

It is just the same way we knew that when I tried to amend another act, another piece of legislation of this government very recently that was announced in the throne speech—and I refer to the \$5 tire tax. There was an example where the \$5 tire tax was for environmental programs, and yet, four times, I placed an amendment worded differently on each of those four occasions when that bill was going through this House to have a guarantee that the money that was raised from the \$5 tire tax would indeed be allocated directly to environmental programs, but it did not happen. The whole thing is one big money pot for the Liberal government to collect, with all kinds of promises but nothing backing up those promises.

The very fact is, when we actually try to nail it down here in this chamber by asking a direct question which requires a very simple and direct answer, there are no answers, just like last night when I asked the Minister of Revenue (Mr Mancini) about one of his bills. His answer was, "That question has been asked many times already in this House." He does not need to answer for himself, I suppose. I think that this is a disgusting display.

Mr Jackson: I am quite amazed at the statement by the member for Nepean. Obviously he is not sensitized to what this bill does. For him to stand in his place and make these statements, how is he prepared to even vote for this bill if he does not understand one of the fatal flaws in this bill? It pits community against community, region against region.

The member represents the riding of Nepean, which is already experiencing some of the growth pangs from the greater Ottawa area. How would he like it if his government stepped in and created a taxation structure that divided his community in half and said that people living on one side of the street will have to pay taxes and on

the other side of the street they will not have to pay taxes? That is what the Liberal government has decided to do with this commercial concentration levy, and the member fails to even understand that fundamental flaw in this unusual and abusive form of taxation. He should travel throughout this province where there are transportation problems and realize that the solution is not blaming communities like Burlington, Oshawa and Oakville for the growth that has occurred in this province.

The member should know that previous policies of federal and provincial governments have not been interconnected to work with dealing with the issues of growth, planning and immigration. Why would we tell senior citizens, who have lived all their lives in these communities, "Now you are going to pay a penalty because your community is growing"? The member knows that does not speak of fairness. The member knows that talks more about a grab for taxation, and he should know better than to rise up in the House and suggest that the Progressive Conservative Party in Ontario does not know what it speaks of when it talks of its opposition to this bill. It speaks to its opposition to this bill because it has listened to the citizens of Ontario who live in the greater Toronto area and who are sick and tired of being referred to as the greater taxation area for the citizens of Ontario.

The Deputy Speaker: Other questions and comments? If not, Monsieur le député de Nepean, vous voulez réagir? No? Do other members wish to participate in this debate? The member for Leeds-Grenville?

Mr Runciman: No.

The Deputy Speaker: The member for Burlington South.

Mr Jackson: I would like to thank my colleague the member for Leeds-Grenville. I am due at another committee hearing and I want to briefly make a few statements about this atrocious bill.

I will be voting against Bill 46, as will the Progressive Conservative caucus. We do so because we have examined the details of this abusive form of taxation. We have listened to the community of Mississauga. I am pleased that the member for Mississauga West (Mr Mahoney)—

Mr Mahoney: Likes it.

Mr Jackson: —who is already exprho live in the greater Toronto area and who are sick and tired of being referred to as the greater taxation area for the citizens of Ontario.

The Deputy Speaker: Other questions and comments? If not, Monsieur le député de Nepean, vous voulez réagir? No? Do other members wish to participate in this debate? The member for Leeds-Grenville?

Mr Runciman: No.

The Deputy Speaker: The member for Burlington South.

Mr Jackson: I would like to thank my colleague the member for Leeds-Grenville. I am due at another committee hearing and I want to briefly make a few statements about this atrocious bill.

I will be voting against Bill 46, as will the Progressive Conservative caucus. We do so because we have examined the details of this abusive form of taxation. We have listened to the community of Mississauga. I am pleased that the member for Mississauga West (Mr Mahoney)—

Mr Mahoney: Likes it.

Mr Jackson: —who is already exprhas expressed concerns, as has city council in Burlington, about the impact on municipal parking lots, as we try to strengthen and improve consumerism and the development of our downtown core. This has been seriously hindered by this tax. Nowhere did the government consider its implications to the business improvement organizations which fit within the greater Toronto area.

As I indicated to the member for Nepean, what is also offensive about this form of taxation is that it creates a regionally targeted increase. That is unfair. There is a tradition in this province to look at the reverse of this equation, which is to look at areas based on need and provide them additional support, but it is rather an offensive notion to go in and punish areas of this province with increased taxes.

In the community of Burlington there is considerable outrage at the fact that the citizens of Hamilton do not fall within this taxation structure, and yet, quite clearly, the government has enunciated that the moneys that will be raised in the greater Toronto area will go to benefit Hamilton-area transportation needs. That is fine, that is well and good and that is appropriate, but if we have a targeted regional tax, it is unfair, because clearly now the government has indicated that a lot of those moneys will be spent outside that region. So the government is responsible for creating this tension, this dynamic.

I would like to also make a reference to what the senior citizens are saying to me. "Why is this government using as its defence that those areas that experience and benefit from growth are

going to have to pay for growth?" As I indicated earlier, the senior citizens who have lived in the city of Burlington for 40, 50 or 60 years of their lives find it hard to believe that they should now be punished and have to pay for the effects of growth which they are not responsible for and they did not create.

In fact, if we were honest, we would realize that as a province we are responsible for the long-term planning of our communities and also that our immigration policies have to be more clearly defined and better suited for accommodation and growth within our province.

Yet this government would respond to those major pressures on growth by taxing and punishing people who live in a specific geographic area. For that reason, we will be voting against this bill. We strongly urge all members of the House to vote against this bill. It is clear that the money which is being taxed is going into the general coffers of this government and will not necessarily be dedicated to the specific needs which the government has indicated it would be spent on, primarily on garbage and on transportation improvements for the greater Toronto area.

In fact, nowhere in this configuration is this government willing to look at the over \$20 million which has been spent by taxpayers in Halton region as we seek out our landfill site. In fact, we are being punished for having shown the leadership a decade ago in terms of developing that site. We have paid the price. The taxpayers have paid the price and we still are not ultimately finished with our landfill site. Now the government has created a superfund, a supertaxation level, in order to assist in locating future landfill sites, but in no way will Burlington residents and Halton residents ever be compensated for the multimillions of dollars they have spent in their quest for a landfill site.

In transportation, the Highway 403 bypass that goes through Oakville, which will relieve pressure on the Queen Elizabeth Highway, is no closer to completion as a result of this taxation announcement and the government's capital commitments in transportation. Not one day sooner will that project be completed, and yet as I drive home to Burlington South on a daily basis from this chamber, I can tell members that it is easier to get from University Avenue to the Ford plant in Oakville than it is to get from the Ford plant in Oakville to Burlington. That is how bad the traffic has become on the QEW, and there is no relief for the next 15 years, according to the government's own schedule.

It can clearly enunciate its taxation plans for the citizens of Burlington, but it cannot enunciate and give relief for the transportation problems that region will experience. For that reason, the tax not must be imposed.

Mr Runciman: Just a few brief comments in respect to this legislation. I sat on the committee dealing with it and I want to say at the outset that in respect to other matters dealing with the Ministry of Revenue in respect of my own riding, it has been most helpful. I want to put that on record and compliment the minister especially, and his parliamentary assistant, in respect to some matters dealing with assessment changes in my own riding. So I am not always critical of the government. When I believe it is doing a good job and making an effort, I will be the first one there to say so.

But in respect to Bill 46, I have to share the views of my colleagues who spoke before me. It is indeed bad legislation. I am not one who is boosting the greater Toronto area on a regular basis. In fact, I have been rather critical, as an eastern Ontario member, Mr Speaker, as I think you have been, at least quietly or within the confines of your own caucus, in respect to some of the expenditure commitments made by this government and past governments in respect to the greater Toronto area, the Metropolitan Toronto area, which I think have been inappropriate.

When you look at the needs of other parts of the province, especially northern and eastern Ontario—and I, of course, am most familiar with eastern Ontario and I want to touch a bit on that as we proceed—I think one of the major problems in respect to what is happening in the greater Toronto area in terms of the infrastructure, the efforts to try to deal with the waste, etc, and the unbelievable traffic congestion that we now witness with the gridlock really occurring from seven in the morning till seven at night on most of the major arteries in the GTA—I think that is really the result of very poor planning.

We have talked about immigration policy. We have talked about a host of things, but I think if we look at the government's initiatives in this regard in the past number of years, they have been really totally lacking in terms of having any meaningful impact on growth patterns in this area. I think that innovative things could have been done, and the province perhaps has to take that kind of initiative. I am thinking of density changes, for example, in the core area to ensure that less and less prime land is being chewed up. It not only increases densities in the core but also,

I believe, makes housing that much more affordable in the Toronto area, and perhaps even more important, has a positive impact in terms of the continuing loss of prime farm land surrounding the Toronto area. That is something that this government has seemingly had very little concern about.

Anyone who has driven out through Markham, through some of the fringe areas in the greater Toronto area, cannot help but be alarmed if he indeed cares about that precious high-quality, prime farm land that is being chewed up for these massive single-family residential developments taking place. When we look at some of these palaces being developed, the 10,000-, 20,000-, 30,000-square-foot and above kinds of properties that are being built to—I do not know what—feed the egos of the yuppie Torontonians. I am not sure, but in any event, they are chewing up and we are forever losing some of the best agricultural land in this province. Certainly those are the kinds of things that this government has failed to look at.

We have talked for a number of years about trying to increase investment and growth in northern Ontario and eastern Ontario, parts of this province that are suffering. I have mentioned studies in respect to eastern Ontario that show that families living under \$5,000 a year, families living under \$10,000 a year—that is gross family income. By far the highest percentage of families having to live on those kinds of dollars coming into their home reside in eastern Ontario. Yet we do not see any real effort, any real meaningful impact to try to divert investment into those regions of the province.

We have seen a \$25-million eastern Ontario economic development program. That is \$25 million over five years, \$5 million a year to try to boost economic development in eastern Ontario. We can contrast that with the kinds of money going into the domed stadium or the kinds of money this government has committed to an opera house in downtown Toronto, a whole host of things on which I think this government simply has misplaced priorities.

The government has to start dealing with this in a more meaningful way rather than simply tax, tax, tax. That seems to be this government's answer to virtually everything. If you take a look at what it has done over the past four years, it has increased taxes in this province over 100 per cent.

1550

They have also very quietly increased licence fees. Every kind of fee this government is

responsible for has increased 400, 500, 600 or 700 per cent. That is not uncommon. There is an insatiable appetite for new revenue sources and increased revenues through a variety of tax grabs that they have employed over the past number of years, but there is no real effort to deal with the cost side of the ledger to try to bring their own expenditures under control. We have seen the budget grow at an enormous clip. I do not know what the total is now; \$42 billion or \$43 billion, I think, is the budget we are looking at in the past fiscal year. If you look at the enormity of the increase since this government took office, it is pretty frightening.

I have said this before and I do not remind repeating it: There are a lot of projections that we are going to be faced with an economic downturn in the not too distant future. This government has set a pattern of continually increasing expenditures, of continually increasing taxes, of making virtually no effort to get its house in order. Whoever is in government at the time we face the significant and serious economic downturn, there are going to be some very difficult times in this province because of the expenditure levels established by this government.

Talking specifically about Bill 46 and the impact it has on businesses in the greater Toronto area, in certain areas of the GTA, in listening to witnesses I have to be very concerned about the continuation of some of those businesses, about their ability to be competitive. It has put many of them, I believe, based on testimony we heard before us, in jeopardy in the years to come.

We talk about the infrastructure and about traffic congestion. No meaningful effort is being taken to deal with the people creating that problem to a degree. We can all go out on the highways here and see a proliferation of single-passenger cars. Virtually every car you see on the roads in the downtown Toronto area just has one person in it, the driver.

Why have we not done something to address that situation? Why has this government not taken the bull by the horns, if you will? If municipal governments are not prepared to deal with it, perhaps this is something the provincial Legislature could grapple with. Perhaps it is about time we did, rather than simply throwing additional taxes on to build additional highways to try to accommodate more and more cars with one person in those cars. Let's try to reduce the traffic load on our highways. I think that is achievable through a variety of mechanisms that are available to us at the provincial level.

One thing that some people seem to think is a little bit scary, but that I think is certainly worth exploring in any event, is the concept of toll roads. That is certainly nothing new. It has been used in Quebec. It has been and still is used in many states in the United States. If we look at the use of toll roads on some of the major arteries going in and out of Toronto and at the kinds of revenue sources that would generate, the payout would come from the people using the infrastructure, not from the downtown businesses, from the people in the GTA who are having a tough time scraping by currently in the Toronto economy and who are going to be faced with this increased tax burden placed upon them by the Liberal government of Ontario.

That is really all I wanted to say, a very few brief comments. I am concerned about this legislation and the impact it is going to have on businesses, and about the fact that the government is really not dealing with the problem and has consistently adopted, right across, a spend, spend, spend, tax, tax, tax approach to governing this province. It is wrong. At some point in the not too distant future, we are all going to pay for it.

Mr Daigeler: In the absence of the minister, it is my pleasure to make a few concluding remarks. In this case, as in many other ones, I think we have a very clear difference between the opposition and this government. This government is prepared to recognize needs that exist, to address these needs with concrete action, and I may add to raise the revenue to address these needs.

Bill 46 is a response to the increasing transportation needs that have been recognized by the opposition in the greater Toronto area. The Treasurer has announced several major initiatives and I would simply like to repeat some of them: accelerated construction of highways 401, 403, 407, 410 and the Queen Elizabeth Way, as well as an expansion to the GO transit service to Milton, Georgetown, Richmond Hill, Stouffville and Oshawa. There are many other projects that will be made possible by this particular tax.

I recognize we are raising revenues, but that is precisely what this government is prepared to do. We recognize the needs, we address the needs and we are willing to raise the funds to pay for these actions and for these initiatives that are so important at this time.

The Deputy Speaker: Mr Mancini has moved third reading of Bill 46.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

I declare the motion carried.

Hon Mr Ward: Mr Speaker, I think there were five votes standing and by agreement the vote has been stacked at 5:45 pm.

The Deputy Speaker: I would like to check with the members of the House to make sure that there is consent to have the vote stacked at 5:45. I do not think this has been checked formally with the House. Is there agreement to do that?

Agreed to.

EMPLOYER HEALTH TAX ACT, 1989

Mr Daigeler, on behalf of Mr Mancini, moved third reading of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act.

Ms Bryden: Bill 47 is another brand-new tax. It is another regressive tax. It is another unfair tax similar to the one we have just been discussing in those aspects. The commercial concentration tax also fits all of those descriptions.

It is an unfair tax because it hits labour intensive industries the hardest. It is an unfair tax because it hits small businesses very hard. It will add to their costs. Big businesses may be able to pass it on to their customers, but small businesses will find it very difficult to add this extra cost to their operations without having to lose their competitiveness or raise their prices.

It is presented as a replacement of the revenue from the abolition of OHIP premiums. We all agree now that OHIP premiums should have been abolished long ago. The OHIP premium system had become a very poorly organized system with more numbers than there were people in the province. The OHIP system was very regressive in that families paid the same regardless of their income. It was not based on ability to pay.

1600

It was the New Democrats who recommended that premiums should be abolished, about 10 years ago in a committee report, in a dissenting report. It took a long time for the Liberals to come to that position. Finally, after the last election they did, but it does not actually replace the revenue from premiums; it more than replaces it to start with. The estimate of revenue from this tax is that it is going to be \$300 million more than the cost of premiums in the last year of collection.

What is even worse is that there is a hidden tax in this bill that was not even announced when the bill was announced. We have just been discovering the hidden tax in the last month or two. That hidden tax is an attempt by the government to collect an estimated \$425 million more from the premium payers of 1989, which will cover health care costs for the first three months of 1990. This is an entirely new tax grab on top of the money that is expected to come in through the employer health tax levy.

Last night in the House I attempted to correct that situation with amendments to Bill 47. The government had brought in amendments that would legalize its collection of the premiums for the first three months of 1990. It based it on the fact that premiums had always been paid three months in advance, and that therefore those who paid their quarterly instalment up to 31 December would normally pay three months in advance.

Nobody was told about this being the government's interpretation of the removal of premiums. It was only by much questioning in the House that we found out the government was bringing in amendments that would legitimize or legalize its continuation of collecting those premiums after premiums were supposed to have been abolished.

The bill itself says that OHIP premiums will be abolished as of 1 January 1990, but the amendments that have been brought in by the government say that premium payments paid for the December instalment will be collected by the government and will cover some of the health care costs for the first three months of 1990.

I moved in the House, in an attempt to stop this, that no premiums should be paid for the December instalment because it should have been illegal and was really illegal, I think, under the first version of the bill. Why did the government bring in amendments that changed the dates in the bill so that premium collections were allowed for the first three months of 1990?

It seems to me the government could have corrected a very grave injustice that it is doing to all the hundreds of thousands of premium payers. It includes the many hundreds of thousands who paid direct. They were mainly self-employed people or single parents who were not covered by any other premium payments, who were not covered by an employer's payments. They were mainly poor people.

In addition there were all the employers who were paying their employees' premiums on this quarterly basis. They are also being stuck with the payment of three months' extra premiums.

Those employers, of course, are also stuck with the employer tax levy. There is a great injustice being done by this legislation in the way the government has amended it, in the attempt by the government to legitimize this extra tax grab from those people.

I think it is very unfair to expect to collect an extra \$425 million, which is the estimated amount, from those people. It shows, to me—

The Acting Speaker (Mr Breaugh): Order. I do not mean to intervene in the debate. The table officers have a bit of a quandary because traditionally in this House we do not entertain lengthy debates on third reading. It is clear to us that they are in order, but I would simply remind you that there is a question to be before the House. The question is that the bill has been moved for third reading and members should address their comments to that motion. That should be the focal point of your debate. In other words we should not have the wide-ranging debate that we entertain on second reading where you debate the bill in principle.

I just put that reminder to the chamber.

Ms Bryden: I am coming to my main objections to the bill and why I think we should not proceed with the bill.

My attempt was made last night to give the government an opportunity to look after those people. It had already looked after employers who had objected to a section of the bill that required a December payment, but apparently, according to what was passed last night, it is not going to look after those people who are very severely disadvantaged by this extra \$425 million that they are going to have to put up.

I also had an amendment to provide compensation for those who had paid in December because the minister had told them they had to pay or because the officials of her department told them they had to pay the December instalment. That was unfortunately ruled out of order because it was considered a money bill and only the government can move money bills. I made an attempt to see that people who paid the December instalment were compensated. If my amendment had passed, it would have been completely illegal to have collected any funds for the first three months of 1990.

The main objections I have to this bill are that the replacement of revenue from the abolition of premiums should be dealt with through overall tax reform to produce a fairer tax system based on ability to pay. Why did the government not look at a higher corporation income tax? Why did it

not look at a minimum corporation income tax? We do not have that in the province of Ontario.

Many corporations pay no taxes at all. They are able to use the loopholes in the corporation income tax law to avoid paying any tax. It seems to me those companies have as much obligation to pay taxes as the rest of us. There should not be people who are tax-free in this province.

It could have been covered by a land speculation tax, which we have been asking for for many years and which the government always says will not work. It did work in the early 1980s when there was a real land boom going on. It stopped it. The government is afraid to put a land speculation tax on all its friends, the developers, and the other people who are making a great deal of money out of the present boom in land sales.

We could have tried a wealth tax, which they have in several states in the United States and also in Europe, that would tax assets that are not necessarily income. There are many progressive taxes available to the province, but instead it chose to use a most regressive employers' payroll levy, which it calls the EHT, the employer health tax.

This is the reverse of the kind of tax system we should have. What is worse is that it imposed this tax on almost every single employer. There are practically no exemptions. As a result, there is a heavy additional burden on all public agencies, including municipalities, school boards, crown agencies, hospitals, universities and charitable and nonprofit organizations. All of those agencies will have to pay this tax and there are no exemptions provided.

1610

They will have to raise this tax by cutting their services, by raising their mill rates or fees, or by going into debt for the first years until they have adjusted their revenue sources. But it will be a great burden on them because most of those organizations are also getting fewer and fewer grants from the province and have to put up more and more money out of their limited tax sources in order to maintain services and not leave people without adequate day care, welfare, education and other things.

The tax will be inequitable in its incidence. We do not know what its effect will be on different businesses and how many will be able to pass it on. We do not know what its economic effects will be and that is one of the most serious reasons why we should not be passing this bill at the present time, because we are approaching what appears to be a slowdown, a possible recession. Add a heavy tax like this on business, on

employers, and it may just trigger us into a recession.

We do not know enough about its effects on the different kinds of businesses and how inequitable it will be as between businesses. We do not know its effect on employees. Some employers will consider the employer health levy a wage cost and will claim they have less money for wage increases through collective bargaining. The employers who did not pay premiums before will be particularly hard hit because it will be an entirely new cost to them. Those who did pay premiums may not be very seriously affected because they will be relieved of paying the approximately \$714 a year that a family used to have to pay for full premiums.

I am very disappointed the government failed to accept our suggestion that we should have looked at other alternative sources of taxation. I am disappointed they failed to rectify the situation of taking the OHIP premiums for the first three months of the year. I think it is immoral to do that and not to have let people know, when the tax was introduced, that there was anything of that sort contemplated by the legislation. It was only when we read the fine print and looked at the effects that we found this out.

The people who appeared before the standing committee on this tax were practically all opposed to it for the reasons I have mentioned. I did not hear very many people in favour of it. The submissions also showed that the government was really very unaware of the technical problems this tax could bring in, in payroll deduction systems and jibing payroll systems, because the government would have to keep a tab on what the payrolls were. There will be a very big administrative and bureaucratic need to collect from the employers in the province and there will be a very great need to educate them as to how the tax will affect them.

It seems to me that rather than spending all this money on administration, it would be better to simply add to the current tax system, to the corporation income tax and other of the progressive taxes we have, rather than putting in all this bureaucracy and administrative setup that will be needed to collect from the hundreds of employers who will be affected.

I think it is a good reason for voting against this tax that there has been no adequate study of its incidence, of its economic effect on both business generally and on employees, and on whether it will cause layoffs in a bad time when we are already having thousands of layoffs every year. I think the failure to eliminate what many

people have called extra-billing by the government for the present payers of December payments for OHIP premiums is another violation of its own legislation. The government introduced a bill a couple of years ago to eliminate extra-billing, but now it is extra-billing all those people who paid or who were requested to pay premiums for the quarterly payment in December, which covers the first quarter of 1990.

I strongly urge the members to see the light on this bad levy and reject it at this time.

Mrs Cunningham: It is with some regret that I find myself in the position of having to speak to this bill this afternoon. It has been part of the public agenda and certainly of the agenda of this Liberal government for some months now. I am certain that most people who are going to be subjected to this unfair level of taxation—I am now talking specifically about small business, and for those who will not play a role in supporting the health care system because of this taxation, I would say to the members of the Liberal government that once again they have not listened to the public of Ontario that has come before committees to speak very clearly on a tax that it is opposed to.

No one is questioning that the health care system is in need of support. What kind of support is the big question. Are we looking at a system that needs more money or are we looking at a system that needs better management? Are we looking at a system that should be examined so the public will clearly understand what they can expect in the level and provision of health care or are we looking at a system that promises everything to everybody, even to people who line up for years?

We are looking at a system right now that needs a major overhaul. We are looking at a public that would like to help us and have input to that major overhaul. We are looking at a government that has not recognized that need and proceeds to a Band-Aid approach to the health care system as it exists today in Ontario. One Band-Aid approach is finding another way of getting money for the system. This afternoon we will be speaking to a couple of bills—this employer health tax and another one, Bill 119—that purport to support a health care system but in fact will do very little to what causes the problems in health care delivery in Ontario today.

What this bill really does is to get the premiums or the support that the public is paying, through whichever method the government

proposes, back up to the level it was in 1984-85. That is what it is doing. That may be a good thing or it may be a bad thing, but what we do know is that when we have asked for advice, the people we have asked the advice of, those people who are affected, have told us this is a very poor way to support a health care system.

It is so poor that other provinces have not opted into it in spite of what the Treasurer (Mr R. F. Nixon) said today. In response to the question of my colleague the member for Cochrane South (Mr Pope), he said that other jurisdictions have supported this method. The other jurisdictions are Manitoba and Quebec, and Manitoba is in the process of dismantling this system because it is so objectionable to small business.

1620

I would like to make two statements on behalf of our caucus. We are convinced that a payroll tax will have a negative impact on job creation, the competitiveness of our economy and the vitality of Ontario's small business sector. That conclusion comes from listening to public input.

The other statement I would like to make is a result of the public input we heard and is a result of the clerk's analysis of the public input that all members of this House, no matter from what party, had the opportunity to look at. The other statement that was made very strongly and one that our party supports is this: We are concerned that this new tax, because it is largely hidden from the general public, will reduce incentives to control health care costs.

Those two very big problems, the negative impact on job creation and the reduction of incentives to control health care costs, are statements that have been made over the years, from studies done in the late 1970s and early 1980s, by consultants asked by the government of Ontario to do work on our behalf so that we can make good decisions. Here is a government that once again pays millions of dollars for advice and turns its ear and its eyes in the other direction.

I will speak very specifically. I really think it is very important to take a look at the real contributors to our society, the employers of people, and that is our business community.

The Small Business Advocacy Report 19, Small Business Payroll Taxes, in March 1987 stated after much study as it took a look at the economic implications of payroll taxation on small businesses—by the way, all payroll taxation, to be fair—and then specifically to the assessment of the effects of abolishing Ontario's health care insurance plan, OHIP premiums—it looked in very careful detail.

These studies do not come cheap. They come with a lot of energy and a lot of time. I feel very sorry for people who really think the government of Ontario is going to take anybody's advice as they come down here as individuals, public members speaking before committees, or as persons in professions who really think that if they do hard work somebody is going to listen to them.

In 1986, the bottom line was this, and I will not go into any detail except to quote, "A conclusion of the study is that payroll tax increases of 12.9 per cent over the last five years are already a serious concern to small business." That is 12.9 per cent over the last five years. "A new payroll tax could deter small firms from hiring and impair job creation. The study advises against the imposition of a wholly employer-paid payroll tax." That same group by the way, under the auspices of the Ministry of Industry, Trade and Technology, went on to make the same statement a year later.

What more does this government need? Today in response to the question, the Treasurer said that they studied the situation very carefully. I was part of that study, at least the public part of the study. From the information we were able to get, the questions we were able to ask and the responses we received convinced me that if they studied it very carefully, then they are going to do whatever they like anyway; never mind accepting good advice.

The other statement the Treasurer said today, and this one is one that should really upset small business, is that this is a bargain indeed.

The First Deputy Chair: Order, please. You put the chair in a most difficult position. I have read the rules of debate in this chamber. I know the traditions of the House. We all want to let the House debate whatever it wants in virtually whatever manner, but when you sit in the chair and it is clear to you that members are not addressing a motion that is currently before the House, you can hardly let something that is out of order proceed.

As gently as I can, I remind all members that there is a motion before you. Would you please address your remarks to that motion. It is not the intent to interfere with what you say, but there is an occasion in the procedures when you can have as broad a debate as anyone could think about and that is on second reading. On third reading there is a motion before you that you should address in your comments this afternoon and I urge you to do so. Proceed.

Mrs Cunningham: I understand the statement you are making. I also very carefully looked at the clock with reference to the other speaker. I intended to speak for some five to seven minutes. I had spoken for six. I am winding down. I am having difficulty finding out what my place is too, but I do represent London North and I do want to get my remarks on the record so that at least they know somebody in London is speaking on their behalf. That is my point.

In conclusion, Mr Speaker—I respect the role you play and I will wind down immediately—the bottom line for this tax is this: It is not going to solve the problem of health care delivery. We think the problem should be one that is shared by every individual in Ontario. They should clearly understand the expense of the system to them and they should clearly understand what role they are playing in it.

We had a bit of that under the old system. People did understand at least to the extent that through collective bargaining processes they or their employers paid. Now they do not understand and they really think we have a free system. It is on the back of small business. It may be on the back of future competitiveness in Ontario and we are concerned about it. We think it is a bad tax and our party will be voting against it.

Mr Pope: Addressing the issue of why we should or why we should not proceed with third reading of this bill, first, I submit that we should not vote for this bill on third reading because the government really did not mean it. It really does not want us to vote for this tax.

As members know, this is an ad valorem tax. It is a percentage on top of payroll that will be paid as a payroll tax to the Ministry of Revenue, not the Minister of Health for the purposes of the health care system, but a payment to the Ministry of Revenue, a payment of a percentage of your payroll, an ad valorem tax on top of your payroll.

Why do I say they do not really mean it? Why do they not really mean it? I will quote, "This government has decided that this ad valorem type of taxation, this value added tax, is the way to go and that it will join in robbing the people of this province of their hard-earned dollars." That is not the member for London North (Mrs Cunningham) making that statement. That is the member for St Catharines (Mr Bradley), now the Minister of the Environment, making that statement on 8 June 1981.

Why does this government not really mean it? How about this quote? "They know how shameless and iniquitous a revenue grab this tax action is." That is not the member for Simcoe

East (Mr McLean) speaking. That is the member for Renfrew North (Mr Conway) speaking on 9 June 1981.

Why do they not really mean what they say today with this legislation? How about another quote? "I only regret that we are dealing with an ad valorem tax and that the government is now putting itself in a position where it will not have to come back to the people of Ontario when it wishes to increase the tax revenue. I believe the people of this province would be much better served if the government came back to them when it wished to increase the revenue."

That is a comment on the ad valorem tax. That is not a comment made in the course of this debate by the member for Parry Sound (Mr Eves). That is by the member for Bruce (Mr Elston) on 9 June 1981. How about this one? The quote that I am going to read now you would think was from the member for Simcoe West (Mr McCague). It is really two quotes. The member for Simcoe West might have said this in the context of this debate:

"Why do they feel it is so necessary to introduce backdoor type of tax increases such as this?" "We voted against the ad valorem tax some years ago. We knew it was unfair. We are proud finally to have the opportunity to abolish the ad valorem tax...Ad valorem legislation is not legislation the people can trust...Ad valorem legislation is a tricky way to raise taxes."

That was not the member for Simcoe West. Guess who that was? That is the member for Essex South (Mr Mancini) on 23 June 1981 and 3 December 1985. That is the Minister of Revenue, as he now is, saying exactly the opposite from what his legislation is attempting to do.

Why do I think we should not proceed with third reading when I say they do not really mean it? How about these quotes? "This tax"—ad valorem tax—"is wrong headed, it is unjust, it is damaging and it is cynical." Another quote, "The ad valorem tax is inflationary." Remember those words—inflationary.

That is not the member for Cochrane South I am quoting. That is the now Premier (Mr Peterson) of Ontario on 25 May 1981 and then on 1 June 1981. The very policies they ascribed when dealing with these kinds of percentage taxation measures they are now prepared to set aside and are prepared to proceed with legislation. They cannot be serious.

1630

When the Minister of Revenue, the Premier, the Chairman of Management Board (Mr Elston), the Minister of the Environment

(Mr Bradley), the Minister of Education (Mr Conway), when all of these people are personally opposed to this kind of tax measure, how can we accept that we should vote for third reading? We know they do not mean it. They cannot be introducing this when really they are personally opposed to it. That is not possible.

Why should we not vote for this measure on third reading? Because we have not had answers to the questions we raised in debate on second reading and in committee of the whole House. We talked about the double taxation measures of this government, when people are not going to be opting out or no longer having to pay for OHIP premiums for the months of January, February and March 1990, but in fact are paying right now their OHIP premiums for those three months, and their employers, starting on 1 January, are going to pay the payroll tax for the same three months.

That kind of double taxation, which is a grab of \$435 million out of people's pockets that they cannot afford to give this government any more in the context of the tax grabs of the last two years, this \$435-million tax grab has never been explained by any minister of this government. We spent over 45 minutes last Tuesday afternoon trying to get a straight answer out of the Minister of Revenue whether or not there was a double taxation measure and we could not get an answer. Surely to goodness we deserve an answer before we vote on third reading.

We have been told by Statistics Canada that tax increases are the main source of inflation. We have been told that inflation is leading to higher interest rates or maintaining high interest rates. We are told that this combined with inflation is leading to a recessionary cycle in Canada, with a loss of jobs that the members of the opposition party and the members of the third party have been discussing in this House for the past two weeks. In the face of all this—inflationary pressure and recessionary cycle introduced by tax measures principally by this provincial government—how can we proceed with third reading unless our questions are answered, unless we are assured that there there is not going to be a job loss?

We raised again in question period today, as one last gasp at getting an answer from this government before we dealt with third reading, the fact that most small business representatives and organizations claim this tax measure will result in job losses at a time when we are growing ever more concerned with layoffs in many major industrial sectors of this province.

Job losses are going to be created directly as a result of the tax policies of this Liberal administration and we cannot get an answer from the Treasurer, who claims he has considered all the consequences but uniquely, with respect to this tax measure, never did an economic impact study.

We have asked for answers about the impact on the small business sector when they are operating on small profit margins, when this payroll tax will take 40 per cent and 50 per cent of the profit margin and leave these businesses even less profitable, even more marginal than they were before, when we see the impact on the ability and the willingness of small business to hire older workers to help them reach and to continue to be productive people in their retirement years.

It used to be, as we raised today, that when an employer hired a worker 65 years of age or over, the OHIP premium did not have to be paid by the employer, although he might regularly pay it for other employees. One of the incentives to hire an older worker, particularly a laid-off worker, was the fact that OHIP premiums did not have to be paid, that this person was automatically covered by the OHIP system as being 65 years of age and over. Now that incentive, that inducement will no longer be there. These older workers are additionally at risk, particularly when we have layoffs and a downturn in our economy.

We have talked about the impact on small business with the cancellation of the family premium package. The answer of the Treasurer today in trying to convince us to proceed with third reading is that you have a decreased rate, a smaller rate of tax with respect to a smaller employer. Well, the smaller tax rate is with respect to firms that employ virtually five employees or less.

What about the other firms that are family firms and are employing husband and wife teams for whatever reason? How about labour intensive businesses in this province such as real estate companies, privately held, that employ husband and wife teams?

The economic impact and the potential impact on the continued employment of husband and wife teams in these businesses is going to be of some consequence and of some concern. We in the Conservative caucus have heard that concern by telephone calls to our constituency offices and our homes and by letters to us here at Queen's Park.

Why should we proceed with third reading on a bill when none of these questions have been

answered by any ministry or any minister of this government? Why should we proceed and give third reading approval to a bill when we have so many concerns about its impact on people and their daily lives?

Finally, why should we give third reading to a bill that is part of an overall Liberal tax grab that is robbing the people of this province of their vitality, of their ability to fend for themselves and of their ability to have discretionary income to meet their needs as families and individuals in this province?

We see an overall Liberal tax regime that is robbing us of our competitiveness, as we have seen being paraded in the Quebec and Saskatchewan budgets—our lack of competitiveness being paraded—and the Canadian Manufacturers' Association worrying about the competitiveness of the Ontario economy and the Treasurer's own reaction being one to address the issue of tax rates.

We see all of these potential impacts and we see a government that really does not want to address them, because it has never done an impact study, then we have to say: No way can we give third reading to this kind of tax regime. No way can we give third reading to a Liberal government that is so insensitive as to not even address these issues in the context of this debate.

Mr Speaker, I know I have convinced you now that we should not proceed with third reading and I know you will not even call the vote.

Mr Daigeler: Obviously, contrary to the opposition members, and I mean this quite sincerely, I take special pleasure in participating in the closing remarks on this initiative which I consider a significant one. I appreciate that the opposition has also taken the matter seriously.

It does introduce a new system into our health care financing. As the public knows and as we all know, health care financing takes a very major part of our provincial budget, so anything that has to do with putting health care financing on a solid basis will be of major impact to this government, and this bill, Bill 47, certainly does that.

As the Treasurer announced in his spring budget, OHIP premiums as of 1 January will be eliminated. May I repeat to some of the members of the opposition that this very clearly says that there will still be a payment in December. The Treasurer indicated OHIP premiums will be eliminated as of 1 January.

This bill provides relief to small employers. It puts forward half the rate that large employers are taxed. The rate of 1.95 per cent for employers

with a payroll of over \$400,000 is still the lowest in Canada. Both in Manitoba and in Quebec these rates are substantially higher, so we are recognizing that with this bill we are making headway towards improved financing of health care, but we are certainly not anywhere near the burden that is being placed on the business community in Manitoba or in Quebec.

The business community realizes that it has a responsibility, and many business people have done it already, to look after the health care needs of their employees and of the people generally, because only if we have a healthy and productive workforce will we be able to compete the world over.

In conclusion, I take pleasure in supporting third reading of Bill 47.

1640

The Acting Speaker: In the absence of the minister, the parliamentary assistant has moved third reading of Bill 47.

Vote stacked.

LAND TRANSFER TAX AMENDMENT ACT, 1989

LOI DE 1989 SUR LES DROITS DE CESSION IMMOBILIÈRE

Mr Daigeler, on behalf of Mr Mancini, moved third reading of Bill 48, An Act to amend the Land Transfer Tax Act.

Ms Bryden: Our greatest disappointment in this bill is that it does not bring in a land speculation tax, which we have been advocating for a considerable time.

The Acting Speaker (Mr Breaugh): Let me try to do this as briefly as I can. We tried to draw to the attention of members that we are in a debate on a motion to give a bill third reading. We have just heard a member speak at some length precisely to that motion. That is what I would like all of you to do. I would be happy to hear everybody's opinions on all other matters at another time, but this is a motion for third reading and I would like you to address that motion.

Ms Bryden: The member for Nickel Belt (Mr Laughren) introduced an amendment that would have changed the land transfer tax to prevent flips in apartment buildings, which I think is a legitimate amendment. It was not accepted. A land speculation tax might have been more effective than that, but at least the elimination of flips would have been a contribution to the taxation of land transactions in this province.

However, our main other objection to this bill is that it had a rather checkered career. It amends

a land transfer tax that was passed in July. It appeared to be a sudden afterthought by the minister that they needed to control some of the land transactions and see that there was not abuse of the trust arrangements that could be made about land transactions and transactions by partnerships or groups that were not incorporated.

We were in favour of closing loopholes that appeared to have developed, and that is perhaps why the bill came in rather suddenly as an amendment before the earlier land transfer tax, which was part of the budget, had actually received royal assent.

The other feature of the bill that bothers people who looked very carefully at it is that there is a great deal of discretion given to the minister under the bill. The minister can do almost anything with regard to determining whether a land transaction should be taxable or not, what the rate should be in certain kinds of transactions and what the definition should be under the bill. This kind of discretion to the minister is in my opinion very dangerous. This House, under the Liberal government, is being asked to give the ministers and sometimes the Lieutenant Governor in Council all sorts of power to rewrite the legislation as they see fit.

This is the opposite to what the trend should be in this House. The trend should be to spell out in detail what problems the government is dealing with so that people would know what the extent of the prohibitions in the law are. They should know what the definitions are and they should know what their tax liability will be. Under this bill the minister has really been given the power to rewrite the act, or the Lieutenant Governor in Council has been given some of those powers.

It is true they have to come back to cabinet to have an order in council made once the minister has decided, but the orders in council, while they are tabled, are not discussed in this House. We really do not have much control over what is going on.

I ask also for a reporting annually of what the minister does under this act, what kinds of things he approves and what kinds of definitions he makes so that we can have some sort of accountability for this delegation of power. That would at least give us a handle on how much his power is being used and whether it is being used or abused. This is what we must know. We must have an accountability in our tax systems and I am afraid this government is moving farther and farther away from that.

M. Pope : J'aimerais indiquer, au nom du Parti conservateur, que nous sommes opposés à la troisième lecture de ce projet de loi à cause des actions du Ministre.

Lors de la deuxième lecture, nous avons posé beaucoup de questions spécifiques et nous avons indiqué que nous pensions avoir beaucoup de problèmes avec l'administration de ce projet de loi. Il n'y a vraiment eu aucune réponse de la part du Ministre ni aucune réaction de la part du ministère du Revenu au sujet des questions que nous avons posées lors de la deuxième lecture et en comité plénier. Alors, sans ces réponses, il sera impossible de procéder au vote lors de la troisième lecture.

I want to indicate that on second reading and in committee of the whole, we posed a number of questions to the minister giving him some examples. Basically, our complaints were, what kind of bureaucracy are we creating for the sins we are trying to resolve? What kind of an approval process will we have? How much information will there be? What kind of priority will the government claim? Will you have to get a lien clearance certificate?

All of these questions the minister could not answer. I grant that the principles of the bill are clearly enough stated by the minister and he did a fine job of articulating that, maybe, depending on your point of view, but we are entitled to know and the people are entitled to know how a bill will be administered before voting for it.

On second reading and in committee of the whole, we did not get those kinds of answers and I can see the minister has no intention of answering them. It may be that the answers are not forthcoming specifically to the minister, but I think we have an obligation to highlight some of the administrative problems we see coming, and for those reasons we think it is unwise to proceed with third reading at this time.

1650

M. Daigler : C'est toujours un plaisir de voir plusieurs députés prendre la parole en français dans cette Chambre. J'apprécie aussi les commentaires du député de Cochrane-Sud, même si, de temps à autre, ils sont très compliqués; certainement, pour moi qui ne suis pas avocat, c'est pas mal difficile que de le suivre quand il parle de sujets très complexes basés sur son expérience en tant qu'avocat.

To speak very briefly to this bill and to the third reading, the main purpose of this particular bill is to prevent the erosion and the evasion of land transfer tax by some rather well-educated and well-experienced lawyers who seem to find

any kind of loophole rather easily. This particular bill will make sure that all the people in this province, including the corporations, are paying their fair share of the tax burden, and especially with regard to the land transfer tax.

If I understand right, the member for Cochrane South (Mr Pope) asked a question on second reading regarding what will happen to individuals who are purchasing shares and whether they might be held accountable for any tax burden that may accrue on corporations that did not pay this particular tax burden. I am informed that tax indemnity clauses are standard practice on the sale of shares. I am not sure whether that addresses the question that the member asked at second reading, but certainly I myself and the ministry officials will be pleased to answer very specific legal questions that the member has at the appropriate time.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye".

All those opposed will please say "nay".

In my opinion the ayes have it.

Motion agreed to.

THIRD READINGS

The following bills were given third reading on motion:

Bill 53, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 62, An Act to amend the Courts of Justice Act, 1984.

NOTARIES AMENDMENT ACT, 1989

Ms Collins, on behalf of Mr Scott, moved third reading of Bill 63, An Act to amend the Notaries Act.

Mr Reville: We support the bill, and I want the Legislature to know that in 1961 I read a book called *Le Notaire du Havre*.

The Deputy Speaker: Do any other members wish to make a statement on their childhood?

Motion agreed to.

STATUTES REVISION ACT, 1989

LOI DE 1989 SUR LA REFONTE DES LOIS

Ms Collins, on behalf of Mr Scott, moved third reading of Bill 74, An Act to provide for the Consolidation and Revision of the Statutes of Ontario.

M^{me} Collins, au nom de M. Scott, propose la troisième lecture du projet de loi 74, Loi

prévoyant la codification et la refonte des lois de l'Ontario.

Mr McCague: I wonder if the member could explain to us what these two bills mean. My colleague the member for Carleton (Mr Sterling) yesterday was making the case that the statutes of Ontario and the regulations of Ontario should be printed in French and in English, but not necessarily all in the same binding. I think that suggestion makes abundant sense and I hope that the government will see the wisdom of doing that. It would in fact save many hundreds of thousands of dollars not only for the government but also for those who are obliged to buy them. I am sure that the Attorney General for the day, the member for Wentworth East (Ms Collins), will take that idea to the minister and endorse it also.

Hon Ms Collins: If the member would like to read the title of the bill, I am sure he will understand what the bill means.

Interjections.

The Deputy Speaker: Order, please. The Speaker is trying to get a vote going.

Motion agreed to.

La motion est adoptée.

1700

THIRD READINGS

TROISIÈME LECTURE

The following bills were given third reading on motion:

Les motions de troisième lecture des projets de loi suivants sont adoptées :

Bill 75, An Act to provide for the Consolidation and Revision of the Regulations of Ontario;

Projet de loi 75, Loi prévoyant la codification et la refonte des règlements de l'Ontario;

Bill 86, An Act respecting the Custody of Unclaimed Intangible Property;

Bill 90, An Act to amend the Municipal Act and certain other Acts related to Municipalities;

Bill 95, An Act to amend the Highway Traffic Act;

Bill 101, An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act;

Bill 102, An Act to amend the Construction Lien Act, 1983.

ONTARIO LOTTERY CORPORATION AMENDMENT ACT, 1989

Mr Reycraft, on behalf of Mr R. F. Nixon, moved third reading of Bill 119, An Act to amend the Ontario Lottery Corporation Act.

The Deputy Speaker: Does the parliamentary assistant have an opening statement? Do other members wish to participate in the debate? In that case, the member for Beaches-Woodbine.

Ms Bryden: I am sorry to interrupt the steamrolling that is going on, but I think it is time that something was said about third reading of Bill 119 because it is one of the most destructive bills that has gone through second reading and the committee stage in this House. I think it should be stopped at this stage.

I am sure the honourable members know that Bill 119 is the provincial Treasurer's grab of control of all the lottery funds that come into the provincial lottery corporation from all the lotteries in this province. It is the repeal of the designation of lottery funds for sports, fitness, recreation and culture and it will leave people who have relied on lottery funds ever since 1975 when we went into the lottery business—

Interjections.

The Deputy Speaker: Order, please. Will the other members please respect the member who has the floor? The member for Beaches-Woodbine.

Ms Bryden: Thank you, Mr Speaker. As I say, it takes away the designation of lottery funds for sports, fitness and culture. It gives the provincial Treasurer complete control of those funds. It also gives to him the distribution or the allocation of the lottery funds which have come into the consolidated revenue fund but have not been allocated to any of those designated purposes or to any other purpose in many cases.

It is doing two things. It is removing any guidelines on how lottery money shall be spent and, at the same time, it is really springing lottery money that has come into the consolidated revenue fund but for whose disposition there is no particular law. Some of these funds have been distributed under orders in council. Some of them appear to have been just distributed according to statements that we needed money for the environment or for education, for universities. These were not covered by the original designations in the act, but the government simply allocated them.

Some of them were given to the Trillium Foundation, which is a group of businessmen to whom the government has delegated the job of deciding which social service agencies should receive grants. I do not object to giving grants to social service agencies, but I think the delegation of that job should be done perhaps through organizations that are more representative of the

population rather than through a businessmen's foundation.

The worst thing is that under this legislation all the groups which came before us, and there were almost 200 of them, will not have any guarantee that they will get one penny of lottery funds in the future. They will not have even the one-third guarantee which was proposed by the alliance of organizations in the cultural and recreational fields.

This alliance came together from hundreds of groups to speak with one voice in order to have more clout in opposing this very undemocratic bill, a bill which really goes against the whole parliamentary tradition of the power of the purse being in the hands of the Legislature and not in the hands of the executive council and certainly not in the hands just of the provincial Treasurer or any one cabinet minister.

It is an attack on the Magna Carta really when the barons came together and told the king, "If you don't listen to us, we won't put up any money for your armies and your adventures abroad."

1710

The worst part of this tax grab, which it really is, is that it is paltry, perhaps only \$500,000 in lottery revenue that the Treasurer (Mr R. F. Nixon) is putting his fingers on and leaving us with no guidelines as to how it shall be spent. There is perhaps another \$500 million or more in the unallocated funds. I understand that without this bill going through the government would not be able to spring those funds and use them for whatever purpose it wished. In effect, those funds belong to the organizations that were under the original designation and that have been deprived of their rightful claim to those funds. I think that is simply misallocation of funds.

It appears that there is a complete failure by this government and by the Treasurer to appreciate what all those cultural and recreational groups provide to the mosaic of our province. Most of their work is done by volunteers, and they produce a tremendous amount of effect on our community, on our wellbeing, on our recreational needs. Some of the recreational departments produce great brochures on the effect of those activities on people's mental health, on their physical health, on their satisfaction with life in general, on their feeling of community.

They are activities which most of the groups that came before that committee—as I say, there were close to 200. They brought a new story to the members of that committee, a story about dance groups, groups working in prisons, doing

theatre in prisons for rehabilitation purposes, groups trying to bring culture and recreation out into the rural areas, groups trying to form coalitions of similar cultural and recreational groups which could save money if they could have a coalition. They could spend their grants more efficiently, but instead they are left in penury. They are not able to expand to meet the growing needs of this province, the growing demand, with more leisure time, with more seniors, for recreation. The government has simply refused to listen to pleas of those groups. If they had not come before us, we would never have known about many of their activities because they have no funds for publicity, but they worked a magic among their community of enriching those communities.

I think it is absolutely shocking that the government is putting through this tax grab, giving the Treasurer a blank cheque and not accepting our amendment, which was that we would require that the unallocated funds at least should be put into a lottery trust fund and the dispensing of that trust fund should be subject to a committee that would study the needs that have been neglected due to the unallocation of those funds and would also plan for their use in the future. Then the whole program would come to the Legislature for approval and for voting in the budget. But at least there would be machinery for allocating those funds in a fair way and in a way which would improve our cultural and recreational milieu.

I think it is very disappointing that this is the government's fourth or fifth tax grab. It is the smallest one perhaps, but it is the worst one from the point of view of its effect on the people of this province and its absolute refusal to consider their needs. Our amendment asks that at least one third, which is very modest, be guaranteed to these groups.

The coalition settled for one third, but we did not even get that, we did not get any guarantee from the government. I think it is something that all of these groups will remember when the next election comes, that all they got was a kick in the teeth from the government.

Mr Faubert: I want to put a couple of items on the record. I think we should. I was not going to speak to this, but in light of what the member for Beaches-Woodbine said, I sat through this whole committee hearing and I heard every single deputation that came before that committee. I will tell members right now that many of these came and they were very articulate in their defence and their support for arts, culture and

recreation in this province. But every single group said one thing, and they were almost united in their voice, and that was not in opposition to the bill, it was in opposition to the impression that their funds were being cut. They all said very clearly, "Do not cut our funds."

The Treasurer came before our committee and he gave a commitment of \$120 million of lottery funds per year for the next three years, and that is more than has been committed. He stated that was only the base and he felt that it would be more.

Mr Harris: Oh yes, same as the fishing licences.

Mr D. S. Cooke: Your nose is growing.

Mr Faubert: Indeed those remarks are in Hansard, if members want to check them.

The other impression that is left here by the member is that there is no priority in here. Our legislative research, backed also by legislative counsel, stated that the bill has a priority, the bill clearly states a priority for the spending. I think all members should be aware of that.

Ms Bryden: I would like to point out that the Treasurer came before the committee and said that he would guarantee not less than \$120 million per year for the next three years. Surely when there is at least \$1 billion available, \$500 million in the unallocated and \$500 million coming in, if he is only going to guarantee \$120 million for three years, that is \$360 million, which is really peanuts. Anyway, he made this statement before a committee, which may be on Hansard, but it is not in the legislation. There is no commitment by this government to give even the \$120 million to sports, recreation and culture.

Mrs Cunningham: It is with some concern that I rise again this afternoon to take a look at health care being funded on the backs formerly of small business, in Bill 47, and now on the backs of recreation, sport and culture. I say that not because we know members of the the public are very concerned about the funding of our health care system—they are—but I think that they are also very interested in a topic called prevention, those of our citizens who are actively involved in sports and recreation and more passively involved, but just as important, in activities that have to do with culture. I think we can say that if we are looking at any form of prevention when it comes to disease—physical, emotional and mental—we like to see our citizens active and we think it is very important that we support cultural and recreational activities in the province.

There was a time when in this province, in the mid-1970s, when those of us who were heavily involved in both of those pursuits went to the government of Ontario and asked for more money because we did not have the facilities, especially when it came to the provision of hockey arenas, swimming pools and other facilities, to support young athletes and young people as they pursued, and their parents hoped they pursued, a very healthy lifestyle.

Equally so, when it comes to supporting art, dance, music—and I could go on—we at that time entered into a tremendous debate about whether or not we could support lotteries in Ontario. On the wishes of the government of the day, these groups became very involved in understanding that we were in tough times financially and economically and yet they still wanted to support these activities. Thus the birth of the lotteries, three of which were meant to specifically fund sports, recreation and culture.

1720

Over a period of time the moneys were not expended. We are not certain why. Both governments were involved. All three parties were involved in that decision-making, they were all here at the time. There is no use arguing about the money. It was put in what the public would consider some kind of trust fund. Somebody says it is \$369 million as a surplus; others say it is close to \$500 million. That money was not spent, and yet the sports groups and the culture groups went around this province supporting lotteries so that their young people could be supported in the activities that they felt were important to their future lives, their future commitment and their future health in Ontario.

Now we have a significant change in direction on the part of this government, and that is all right as long as the people in Ontario understand that their reasons for purchasing lottery tickets are extremely diversified. As a matter of fact, in all honesty, that money will go into the consolidated revenue fund, perhaps for the support of health care. That is what the government has told us—health care—just maybe.

Bill 119 amounts to unfair retroactive expropriation of the unallocated surplus. The Parks and Recreation Federation of Ontario, for example, argues that the \$369 million is not surplus dollars and that numerous examples of legitimate justifiable projects can be identified which have not been funded. Those groups across this province that are looking for support from this government have had lists, sometimes, for many years. The federation has requested that the

Ministry of Tourism and Recreation provide the exact dollar value of unfunded eligible requests. Of course, no one brought that to the attention of the committee members. It would not have been important.

I sat on the committee. The public once again came and gave alternative solutions, suggestions. I was there when the public came, not for the full amount of time but one has to be there only one day and watch the response of the Liberal members of the committee to know that nobody is listening and there will be no changes.

The Liberal government has the audacity to say that this act states that over the next three years the sports, recreation, culture and Ontario Trillium Foundation will get no less than \$120 million. Does the government really think that the public believes the Liberal members? The broken promises of this government are unprecedented. Once again, just because the Treasurer says we will get not less than \$120 million for these causes, sports, recreation, culture and the Ontario Trillium Foundation, are we expected to believe it? I do not think this is a government that is believable.

The bill unfairly pits sports, cultural, recreational and fitness groups against hospitals for public support. In spite of government assurances, section 9 activities are likely to suffer in competition with hospitals. The bill does not provide any guarantee of a minimum funding level; we will be counting on the Treasurer's word. It does not provide a minimum guarantee of a funding level or a minimum share of the profits, nor does it make any provision for year-over-year increases in the level of financial support available to these groups from lottery proceeds. As a matter of fact, the 1975 act said that the money was supposed to be dedicated to culture and recreation.

Small nonprofit organizations right now, if they took this government as their lead, would say: "If we break the law like this government has broken its own law, we would be disfranchised, we would not be allowed to operate. If we broke the law under which we operate, we would be disfranchised." I hope members of this government will be disfranchised because of this broken promise and this broken law. It is that simple.

It is fundamental that arts organizations were told during the hearings that there was a \$400-million surplus. That is what they were told. On the one hand, they were told that they had to be fiscally and artistically accountable for the money that they spend, and yet the government does not have to be fiscally and artistically

accountable for the money that it collected on behalf of those organizations and saved.

This is an indicator of deplorable financial management. The least this government could do is to put the \$400 million in a trust fund and assure these groups that they at least get the interest off the money that was dedicated to them when members of the public bought tickets they thought were supporting sports, culture and recreation.

In closing, I can only say that Bill 119 purports to support hospitals and we know that the money that is taken in by the lotteries could possibly support three or four days of health care in this province. It was worked out by the management of this government, who advised us in committee how much money we would possibly get, and that is three or four days of health care service in Ontario.

We think that supporting sports, recreation and culture is health care service and we are absolutely in shock that the government has chosen to deal with the public's trusted money in this way. This party will be voting strongly against Bill 119, and we know that out there in the communities we will get the support of those special nonprofit groups that worked so hard on behalf of our young people in Ontario.

Ms Bryden: The previous speaker has reminded me of the government's sheer hypocrisy in bringing in the prospect of hospital funding out of the paltry lottery moneys, because there is no guarantee that there will be a penny for the hospitals; but if there were, there is no guarantee the Treasurer will not cut his hospital budget so that there will be no additional money for the hospitals. But what is worse, he is not putting money into the delivery of health care and the improvement thereof. That is what we need and where there could be money savings, more efficiency, more community-based health care centres. Instead he is going in for selling his bill by pretending it might put some money into our hospitals, which badly need assistance.

Mr McLean: I did not think it would be appropriate for today to pass without my at least making some statement in this Legislature. I want to say that with regard to third reading on this bill, I spoke at great length on seconding reading of this bill. I thought that for less than two minutes today it would be proper to reinforce what I had already said with regard to the public hearings that were held in the province and the hearings that took place here at Queen's Park, where almost all delegations were opposed to this bill, the only bill, I might add, that has been

brought into this Legislature with no amendments, with about two sections in it and one amendment.

I am sure that the sports and recreational fitness groups are not satisfied with the amount that will be set aside for them. We wanted, and the municipalities wanted, a specific amount to be set aside for sports and recreation groups in this province. That is not happening.

I agree with funds going to help hospitals and expenses, but there is nothing in there that says what amount they are going to get. If the bill were more specific, I could support it, but it is not specific in any way, shape or form. The sports and fitness groups have told the government that. Every group that appeared before it did not agree with the process that this bill was taken.

I cannot understand when a government with no walls and no barriers, and which says it is listening to the people, comes ahead and presents a bill for third reading when the people in the groups across this province are opposed to it. I think it is a disgrace and I say, shame on the government for doing it.

1730

Mrs Cunningham: In the interest of time, I think the public spoke out against the bill, and there is no reason for me to elaborate at any length.

Mr Reycraft: I have listened to the interpretations of Bill 119 that have been provided by the member for Beaches-Woodbine (Ms Bryden), the member for London North and the member for Simcoe East (Mr McLean). It will come as no surprise, I think, to say that I disagree completely with their interpretation of the bill.

Bill 119 represents no threat to culture and recreation. Indeed, what Bill 119 does is require—

Mrs Cunningham: Oh, listen to them.

Mr Ballinger: We listen to you.

Mrs Cunningham: You didn't.

The Deputy Speaker: Order, please. The member for Middlesex has the floor.

Mr Reycraft: Bill 119 requires that each year the net profits of the Ontario Lottery Corp shall be transferred to the consolidated revenue fund. There is nothing new in that. That is what is required under the existing Ontario Lottery Corporation Act. What Bill 119 further provides is that the allocation of those lottery profits by the Treasurer each year, as part of the budget process, must be restricted to three specific areas: culture and recreation and the Ontario Trillium Foundation, and if there are still funds left, then

those are to be allocated to the operation of hospitals. That is the essence and the entirety of Bill 119.

Mrs Cunningham: How much will be allocated? How much is restricted?

The Deputy Speaker: Order, please.

Mr Reycraft: The member for London North shrieks across at me, "How much will be allocated?" She asks how much. It is impossible for any of us to estimate accurately what the annual profits of the Ontario Lottery Corp are going to be. We do know that the estimated amount for this fiscal year, 1989-90, is some \$500 million.

I want to say that not only does Bill 119 not represent a threat to culture and recreation, I think it has protected the funding of culture and recreation. I also want to say that I agree with what my friend the member for London North said about the importance of health promotion and disease prevention. Indeed, the government of this province, the party that I am a part of, supports that position as well. That is why each year for the past four, the Treasurer of this province has increased the allocation for culture and recreation, and increased it substantially.

Mrs Cunningham: You should have spent all the money on it. You should have spent all the money. You broke the law.

The Deputy Speaker: Order, please.

Mr Reycraft: I have indicated to her on a number of other occasions that the total allocation, both of lottery profits and of tax moneys to culture and recreation was \$282 million in 1984-85 when this party took office. This fiscal year, the allocation for culture and recreation is some \$418 million. That \$418 million comes partly from lottery profits; the remainder of it comes from other sources of revenue that are flowed to the provincial Treasurer.

I want to say, in concluding, that I agree with the need to fund adequately culture and recreation in this province. We think our record in funding those areas for the past four or five years indicates very clearly that we support the need for funding of those areas and the important role they occupy in the fabric of this province.

Mrs Marland: That is not what the Association of Municipalities of Ontario told us. I don't think we need waste any more money on public hearings, on any of these bills.

The Deputy Speaker: Order, please.

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."
 All those opposed will please say "nay."
 In my opinion the ayes have it.
 Vote stacked.

CONCURRENCE IN SUPPLY
 MINISTRY OF THE ENVIRONMENT

Mrs Grier: Debate, Mr Speaker.

The Deputy Speaker: If somebody wants to debate, go ahead. Who wants to debate?

Mrs Grier: I would like to speak to the motion—

The Deputy Speaker: Then go ahead.

Mrs Grier: —because we have before us today concurrence in supply that, I regret, is so small. I wish, as a member of the opposition, that the supply that we were voting today for the Ministry of the Environment was commensurate with the importance that the environment has in the minds of the people of this province.

We spent 15 hours on the estimates of this ministry and we covered a wide range of issues. I want to tell those members of the House who did not have the pleasure of spending those 15 hours that it was in some respects a triumph. It was a triumph because myself, the member for Mississauga South and the member for Elgin (Miss Roberts) succeeded in confining the Minister of the Environment (Mr Bradley) to the point on a number of occasions.

We managed to get some specifics and we managed to prevent the minister from diverting us down the paths of discussion, of which he is so very fond. However, the bottom line was that the estimates of this ministry are pitifully low. I want to say to the members of the House that despite all the rhetoric that we hear from this ministry, the reality is that only 1.3 per cent of total government expenditures for 1989-1990 went to the Ministry of the Environment. That is only barely above the 1.2 per cent that was a part of the estimates last year.

When we look at the actual expenditures of this ministry, its portion of total government spending actually fell from 1.16 per cent in 1987-1988 to 1.3 per cent in 1988-89. What this says is that despite the rhetoric, despite the press releases, the commitment to the environment on the part of this government is very limited when it comes to actually allocating resources and putting the funds in place to enable this minister to live up to his rhetoric, or even to his own public relations.

During discussion of his estimates, we debated at length the municipal-industrial strategy for

abatement program, scheduled to be completed by 1989, now perhaps going to be in place by 1992: no diminution in the discharges to the waterways of this province during the term of office of this minister.

We debated the remedial action plan program: again, not in place and no definitive plans or timetables or targets as to when it will be in place. In fact, during that debate I asked the minister for an organization chart of the bodies involved in the Metropolitan Toronto remedial action plan and I am still waiting.

We discussed the clean air program: unveiled two years ago, not expected to be in place for another five years. During estimates I asked the minister what portion of his budget was allocated to the clean air program and the number of staff appointed to the project. I was told there were 13 staff and I am still waiting for an answer with respect to the allocation.

We discussed the Environmental Assessment Act, and the feeling that seems to be abroad in this government is that somehow the Environmental Assessment Act is an impediment to getting things done in this province and to getting approvals for worthwhile projects. It was clear from discussion of the estimates that the impediment was the ministry, the bottleneck that occurs when proposals are before that ministry and cannot be moved through the review process and the approval process within the ministry, its staff, because of the lack of resources available to do just that.

I want to remind the members of the debate we had last week, when it was very clear that there is no commitment on the part of this government to a reduction in garbage, merely an emphasis on recycling. It is clear that despite, as I say, the alleged commitment to the environment, the resources are not there, the actionability is not there, and while I concur in these estimates, I regret that we are not looking at a much broader commitment from the government as a whole to this very critical ministry—the Ministry of the Environment.

1740

Mrs Marland: To concur in the supply, the appropriation of funds for the Ministry of the Environment today would be impossible in the present budget scheme of things for this ministry.

It is an amazing thing in 1989, as we come to the very last part of the last month, that this Liberal government still does not realize what the priorities of people in this province are. The priorities in terms of everyone you talk to, once you step beyond health, are environment. They

do relate, one with the other, as a matter of fact, because it is going to get to the point, if we as members of the Legislature do not start prioritizing in terms of environment, ultimately there will be an impact on our health.

It is rather interesting to watch this government and listen to its throne speeches, its budget speeches and all its grandstanding in terms of introduction of this legislation and that legislation. They never really quite follow through with anything. I cannot think of anything that this government has followed through with, that they have announced that has ever been implemented in legislation the way they promised it would be.

In terms of the environment, we had a \$5 tax on new tires on all vehicles in this province. Then they tumbled to the fact that it did not really make sense to charge a \$5 tire tax on a tire for a wheelbarrow or a baby carriage. After they have introduced their legislation, they realize it is not, again, well drafted, so they have to make the appropriate amendments to make it a little more logical in their thinking, but they still do not agree with implementing in the actual legislation what they announce in their throne speeches.

I use the tire tax as a particular example, because when we are talking about concurrence in supply for the Ministry of the Environment, I have been totally dismayed by the fact that this Minister of the Environment did not stand up and fight for the amendment, which I placed, that would have ensured that his ministry and the Ministry of the Environment programs got the money from the \$5 per tire on every tire purchased in this province, because that was the way it was announced in the throne speech.

Another matter that was announced in the throne speech this year, of course, was our famous Cleantario, a lottery to clean up Ontario. Here we are some nine months since that throne speech and we still do not have the Cleantario lottery, because it was another little figment of somebody's imagination. They thought: "That sounds good. We will throw it in the throne speech."

It is like so many things this Liberal government does. You can point to a lot of programs both within the Ministry of the Environment and within other ministries that somebody thinks of, and it does not matter whether they are practical or impractical or whether the public wants them or it does not want them. Time and time again, we have examples of where this government just simply is not listening, is not practical and certainly does not consult.

I think in terms of the Ministry of the Environment, with the number of programs in there that are offtrack in terms of the original timing because of the fact that it says it has not had the staff, it has not had the time to fully implement the program—

The Deputy Speaker: Order, please. Since it is the order of the House, would the member for Mississauga South move the adjournment of the debate, please.

Mrs Marland: You want me to move adjournment of the debate?

Mr Harris: I realize we have a deal, by agreement, to vote. I think the member for Mississauga South could wrap up in one minute if the chair took one minute to recognize the time of the clock. I think that would be in the interests of the chamber.

The Deputy Speaker: Is there unanimous agreement to wrap up?

Agreed to.

Mrs Marland: Obviously, if I had the opportunity, it would take me a lot longer than one minute to comment on the concurrences for the Ministry of the Environment. But out of respect for the fact that we are trying to deal with a time schedule here, I will respect that and I will respect you, as the Speaker, in trying to keep the business of the House flowing since we are in this last-minute panic to get all these government bills through because it is Christmas.

I will take the opportunity, however, as the spokesperson for the environment, to wish the Minister of the Environment the compliment of the season, and his staff. I just wish they had more money to do what they need to do in the interests of the environment for Ontario.

Resolution concurred in.

Hon Mr Ward: I know we have an agreement to vote at 5:45, but some members have expressed an interest in two more of the orders being called. I am at their disposal.

The Deputy Speaker: Is there unanimous consent for this?

Agreed to.

THIRD READING

The following bill was given third reading on motion:

Bill 91, An Act to amend the Legislative Assembly Act.

EXECUTIVE COUNCIL AMENDMENT ACT, 1989

Mr Ward moved third reading of Bill 94, An Act to amend the Executive Council Act.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Hon Mr Ward: I believe we have an agreement to take some votes.

The Deputy Speaker: There is an agreement for a stacked vote on three bills, Bill 46, Bill 47 and Bill 119. Is that correct? There will be up to a half-hour bell call.

Hon Mr Ward: I would like to seek unanimous consent for a five-minute bell.

Agreed to.

The Deputy Speaker: It will be a maximum of a five-minute bell. Call in the members.

1754

COMMERCIAL CONCENTRATION TAX ACT, 1989

The House divided on Mr Mancini's motion for third reading of Bill 46, which was agreed to on the following vote:

Ayes

Adams, Ballinger, Beer, Black, Bossy, Bradley, Brown, Callahan, Campbell, Carrothers, Cleary, Collins, Conway, Cooke, D. R., Cordiano, Daigeler, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Fontaine, Grandmaitre, Haggerty, Hart, Kerrio, Keyes, Kozyra, Lupusella, MacDonald, Mahoney, Mancini, Matrondola, McClelland, McGuigan, Miclash, Miller;

Nicholas, Nixon, J. B., Nixon, R. F., O'Neil, H., O'Neill, Y., Oddie Munro, Owen, Pelissero, Phillips, G., Polsinelli, Poole, Ramsay, Reycraft, Riddell, Roberts, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Ward, Wong.

Nays

Allen, Brandt, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Eves, Grier, Hampton, Harris, Jackson, Johnson, J. M., Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, E., Pollock, Pope, Pouliot, Reville, Sterling, Ville-neuve, Wildman.

Ayes 65; nays 28.

EMPLOYER HEALTH TAX ACT, 1989

The House divided on Mr Mancini's motion for third reading of Bill 47, which was agreed to on the same vote.

ONTARIO LOTTERY CORPORATION AMENDMENT ACT, 1989

The House divided on Mr R. F. Nixon's motion for third reading of Bill 119, which was agreed to on the same vote.

Hon Mr Ward: I wish to advise the House that the Honourable the Administrator of Ontario awaits to give royal assent to certain bills.

His Honour the Administrator of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT

SANCTION ROYALE

Hon Mr Howland: Pray be seated.

The Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Clerk Assistant and Clerk of Journals: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 34, An Act to amend the District Municipality of Muskoka Act and the Education Act;

Bill 46, An Act to establish a Commercial Concentration Tax;

Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and to revise the requirements respecting the payment of Premiums under the Health Insurance Act;

Bill 48, An Act to amend the Land Transfer Tax Act;

Bill 53, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 62, An Act to amend the Courts of Justice Act, 1984;

Bill 63, An Act to amend the Notaries Act;

Bill 74, An Act to provide for the Consolidation and Revision of the Statutes of Ontario;

Projet de loi 74, Loi prévoyant la codification et la refonte des lois de l'Ontario.

Bill 75, An Act to provide for the Consolidation and Revision of the Regulations of Ontario;

Projet de loi 75, Loi prévoyant la codification et la refonte des règlements de l'Ontario.

Bill 86, An Act respecting the Custody of Unclaimed Intangible Property;

Bill 90, An Act to amend the Municipal Act and certain other Acts related to Municipalities;

Bill 91, An Act to amend the Legislative Assembly Act;

Bill 94, An Act to amend the Executive Council Act;

Bill 95, An Act to amend the Highway Traffic Act;

Bill 101, An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act;

Bill 102, An Act to amend the Construction Lien Act, 1983;

Bill 119, An Act to amend the Ontario Lottery Corporation Act.

Clerk of the House: In Her Majesty's name, the Honourable the Administrator doth assent to these bills.

Au nom de Sa Majesté, Son Honneur l'administrateur sanctionne ces projets de loi.

His Honour the Administrator was pleased to retire from the chamber.

The House recessed at 1804.

EVENING SITTING

The House resumed at 2000.

The Deputy Speaker: Is someone present in the House to advise us as to what they would like to do tonight?

Hon Mr Sweeney: Mr Speaker—

Mr Laughren: Try it, John. We'll vote for it.

Hon Mr Sweeney: Whatever it is, the member is going to vote for it, eh?

CONCURRENCE IN SUPPLY

Resolution for supply for the following ministry was concurred in by the House:
Ministry of Municipal Affairs.

CONCURRENCE IN SUPPLY,
MINISTRY OF TRANSPORTATION

Mr Laughren: I would not want to disappoint members of the assembly on this very important vote.

Mr Carrothers: Please disappoint us.

Mr Laughren: I may disappoint the member more when I speak than if I do not speak.

What needs to be said about the transportation concurrences, of course, has something to do with the lack of commitment on this government's part towards highways in northern Ontario. I do not view myself as a terribly parochial member concerned only with the problems of northern Ontario. However, I do drive frequently from Sudbury to Toronto by Highway 69.

When I watch the various ministries talk about increasing the fines for speeding—for example, a new Highway Traffic Amendment Act this week increases the fines for speeding—I want to tell my friends that the problems on Highway 69 do not have to do with speeding; they have to do with the condition of that highway. At some point they are going to have to understand that if they want to cut down on the number of accidents and deaths on Highway 69—a terribly serious problem not just for northern Ontario but for the entire province because it is not just northerners who drive on Highway 69—they are going to have to do something about that highway.

I have a very practical suggestion for them. I want to suggest that they make a commitment that they will four-lane 10 miles a year on Highway 69, the part that is not yet four-laned. That would mean that by the year 2000 we would have a four-lane highway from Toronto to Sudbury. If they decide that I am too conserva-

tive in my demands, of course, they have the option of speeding up the construction process and do it in less than 10 years if they like. But what they simply must do is make a commitment of so many miles a year to Highway 69 between Sudbury and Toronto.

While they are in the mood for four-laning Highway 69, they should also take a look at Highway 17—

Interjection.

Mr Laughren: Well, compare the accident rate on these highways with the accident rate on highways in southern Ontario. I want to tell you that Highway—

Hon Mr Sweeney: Do you want to compare it with Highway 401?

Mr Laughren: Yes, I do.

The Deputy Speaker: Order, please.

Mr Laughren: Take a look at Highway 69. It is the most dangerous highway in the province.

Hon Mr Ward: What about Highway 403?

Mr Laughren: Do not take my numbers.

The Deputy Speaker: Order, please.

Mr Laughren: Take the numbers from the Ministry of Transportation.

The Deputy Speaker: The third person singular through the Speaker. The third person plural through the Speaker. Well, the third person.

Mr Laughren: Thank you. I was confused for a moment there. Mr Speaker, you have broken my concentration. I regret that very much because when you break my concentration, I start to ramble and meander over the entire Ministry of Transportation in Ontario.

Mr Speaker, I will conclude, since you have destroyed my speech anyway, by saying that I really hope that the government will take seriously considering four-laning Highway 69 and making a commitment now to doing only about 10 miles a year. Surely to goodness we can handle that in this province, and by the year 2000 we will have a four-lane highway all the way to Sudbury and it will be a lot safer for everyone who drives on it.

Mr Cousens: As we consider the supply and estimates for Transportation, we have to understand that the popularity contest that goes on in this Legislature is not one that is indicative of the total province. What we have is 94 seats for the

Liberals and the remainder of the 130 seats among ourselves and the New Democratic Party.

If the people of Ontario were to have a chance to answer questions in a referendum: "What do you think of the road system in the province? What do you think of the job that is being done by the Minister of Transportation? How do you feel about the gridlock that is beginning to appear in the greater Toronto area?" then the answer to all those questions would be a negative one, because at that point they would not only have to do something to the Minister of Transportation (Mr Wrye), they would have to do something to the Treasurer (Mr R. F. Nixon).

The Treasurer is the one who is responsible for giving the allocations to the Minister of Transportation and has not begun to accept full responsibility for the importance of what transportation is to all parts of this province. I appreciate the fact that there are people from every area of the province, represented by this large majority of Liberals, who are not being represented right now either in their own caucus or to the Minister of Transportation. If they were, we would begin to see a greater emphasis in the percentage of funds being invested—invested, not spent—in roads, in transportation services across this province. As we look at this budget now and the spending estimates that have been assigned to the Ministry of Transportation, it does not begin to touch upon the real needs of our province.

I have to comment as well on the task force that has been established by the Ontario Progressive Conservative caucus. I am very pleased to have been named chairman of that task force, dealing specifically with the needs of transportation services in the greater Toronto area. One of the major concerns that has arisen since our meetings with all the regional municipalities and with numerous groups around—and it applies not only to North Bay, but to every part of the province; it applies in particular to the area which I am elected to represent—has to do with planning.

The province has not gone into long-term planning. Back in the 1960s, there was a sense in which the government, before it allowed subdivisions to be built, built the roads, built the infrastructure, invested in the long-term needs of those communities. Now what we are seeing instead is a government that does not make those investments; it talks about them.

Mr D. R. Cooke: It is the Toronto-centred plan, is that it?

Mr Cousens: You guys—Mr Speaker, if you could keep them quiet and have them stand up in their own places and speak. They are far more

eloquent when they are sitting down and they do not have to be accountable to Hansard or their public.

I would just like to say that we in the province of Ontario would be far better off if this province took some lessons from back in the 1960s when planning preceded the development. By having the roads built first and the subdivisions and the housing and the other facilities coming in afterwards, we were able to move the people inside and outside of the areas in which they had moved and resided. Right now we are talking about a problem that has not been given that emphasis.

Interjections.

The Deputy Speaker: Order, please.

2010

Mr Cousens: You can throw them all out, Mr Speaker, because I do not think they are listening anyway. None the less, they will not deter my concern or the concern of our caucus to do what we can to make sure that this government understands the importance of transportation services. It has to do with planning, it has to do with the investment up front, so that that planning leads to a proper and full development of areas in a way that causes things to move easily.

A dollar spent on transportation is a dollar well spent. If we look in the greater Toronto area, we are seeing the dollar is not going into commuter services the way it should. We are seeing municipalities across the province all suffering from a lack of funds for transportation services. This government has flat-lined its investment in roads, maintenance and commuting services, and instead of allowing those services to improve and increase—not only flat-lined—because inflation for roadbuilding is at about 15 per cent, it results in a net decrease in costs going out for the building of roads.

I cannot tell the members how unhappy I am as a member of this task force and as chairman of it about the lack of leadership that is coming from this government in transportation. I have to say that in my conversations with municipal leaders across the province they are universal in their condemnation of this government in its failure to deal adequately with transportation needs.

By virtue of the failure of this government to increase its resources in order to expand and build upon an infrastructure that is implicit to a strong economy, to strong tourism and to a province that can truly reflect the kind of open and welcome province that we want it to be, it is imperative that this government see transporta-

tion as a very important issue. In the Metropolitan Toronto area, I believe it is one of the top three issues that has to be dealt with. Across the province, it certainly is one of the most important issues.

I am very concerned that the Ministry of Transportation is out of control. It does not have the support of the Treasurer; it does not have the support of the government, and certainly the people of Ontario will not give their support to a government that has failed so miserably in this important area.

Mr Harris: I do want to say a few words about the concurrences for the Ministry of Transportation because, as the member for Markham (Mr Cousens) has so correctly pointed out, we are dealing here with a different style of government. We are dealing with what I consider a very short-term government. We are dealing with a very interventionist government. We are dealing with a government that is more concerned with, "What can I spend money on today to get a vote today?" as opposed to the long-term planning, the long-term infrastructure, investment decisions that are crucial for this province.

Forty-six years ago, a man by the name of Drew drew up a 22-point plan. There were three main aspects to it, and tonight I want to talk about two of them. It was a plan long-term, not short-term. It was a plan that said: "We will invest in infrastructure. We will invest to make Ontario competitive, so that in this region of North America, in the northeastern United States and Canada, Ontario will be competitive. If we allow that environment to exist in this province, then the private sector will thrive and indeed Ontario will thrive."

The three main points were electrification, roads and education. Because I am dealing with the Ministry of Transportation, I want to touch on two of those aspects tonight. The members all appreciate that education is one of those long-term investment decisions for our people that contributed and tied in with the hard services type of investment that was proposed to be made. When we think back 46 years ago and we think of the investment decisions that were made in hydro and in the transportation infrastructure, Drew was indeed right.

I suggest that it served this province well for some 40 years. I think it set the stage for this province to be competitive, so the private sector could thrive for some 40 years. I also suggest that over a period of time politicians and the public changed from the long-term type of thinking and

infrastructure to the short-term type of vote-getting.

It did not begin, quite frankly, in 1985, it began before then. Politics changed. There were pollsters, there were backroom people. They said, "Look, here is the mood of the public." Then you went to a strategist, then you went to a public relations firm and then you hired somebody to package it and say, "This is what they are thinking today. Hurry up and give me this program that will let them say we are meeting this need," without regard to whether it was in the long-term interests of this province, whether it made good sense in an infrastructure sense or in a financial sense. We saw politics, federally and provincially, change.

I suggest that we took for granted some of the comments that were made by the member for Markham; we just took for granted that it happened, that roads were there, that sewers were there, that water services were there, that the infrastructure was there and that subdivisions went in and companies built and the land was there for industrial land and for commercial land. We just assumed somehow that that happened, that it did not require long-term planning. We have now found out that is not the case.

I condemn this government and particularly this ministry for being the absolute worst of any administration I have seen for saying: "What does the poll say people are thinking today? Let's give them that. The people say there is a problem with housing. Let's spend \$3 billion and subsidize housing." Had they spent \$1 billion and provided the infrastructure, the roads, the services and the type of infrastructure so there would have been a supply of land, they would not have had to spend the \$3 billion.

I further suggest that this administration does not care as long as it gets votes. In fact, there is a mentality I have seen develop in this country; there is a mentality I have seen develop in this province, a mentality of politicians that says: "Look, if there can be a problem here, we can be the saviours and solve the problem. We will spend \$3 billion to build housing," when the correct answer was to do the long-term thinking, not short-term vote-getting, of investing in the infrastructure that this province requires.

As we deal with transportation issues, there is no area where this is more apparent, this type of political thinking that we have seen in Ottawa through the Trudeau years and this type of political thinking that I suggest has been in this province perhaps for up to the last 10 years. It has been a change from the infrastructure long-term

thinking type of planning that Drew began 46 years ago.

Interjections.

The Deputy Speaker: Order, please.

Mr Harris: I suggest that it did not happen by chance. I suggest that the environment this government inherited whereby there was a 10 per cent tax advantage with the province of Quebec, whereby education was viewed as the best in the country, the best in North America, and health care was viewed that way, affected the types of decisions of where companies were going to locate.

If you were a company in Europe that wanted to locate in North America and wanted to access the North American market, you said, "Let's look at Canada." What do you look at when you are a company? You look at long-term supply of electricity, you look at tax advantage, you look at the education system, you look at the supply of labour, you look at those human and physical infrastructure decisions that have been made and facilities that are made and the stability in the long term.

We are losing that. We are losing that to the province of Quebec, we are losing that to other jurisdictions in the United States. You think now: "If I'm going to invest \$40 billion in a plant, am I sure the infrastructure is going to be there? Is the transit going to be there for my workers? Is the retraining going to be there? Is there going to be a secure supply of electricity?"

2020

We saw a supply-demand report today that over the last few years there are a number of concerns that we are not investing in the long term. After 1 January, with the tax increases we have gone through this past week, Quebec will be more competitive tax-wise than Ontario. When you think of the investment decisions they have made in hydro over the last 10, 12 or 15 years, they will be able to guarantee to industry a long-term secure supply of hydro, more so than Ontario.

I think it is important that we not just talk about, "Oh, we're going to vote X amount of dollars for transportation." I think it is important that as legislators we sit back and take a little longer-term view of what has been happening in this province over the past number of years, of what has been happening in this country and of what has been happening in a number of jurisdictions where the name of the game has been: "How do we get re-elected? How do we give those voters what they think they want, and

if they do not think it, how we do create the impression that this is indeed what they want?"

I suggest to members that it works in the short term. We have seen that it works. We have seen political leaders of all parties in this country make it work in the short term and we see what a disaster it is in the long term. We see what has happened to this country of Canada, mired in debt. Many say that regardless of how tough Michael Wilson is, how tough the Conservative Party is—in spite of the fact the other parties are criticizing it for trying to get the spending under control—it is already too late, that it will take a total collapse before it can be brought under control.

I hope they are wrong. I hope this country wakes up. I would hate to see lost a well-managed province that invested its money in infrastructure so that the private sector could succeed and Ontario could be competitive and would be the province of opportunity. I suggest to the members that over the last four or five years in particular the thrust has been far too much to the short term. I suggest to the members that we are losing what we once had in this province. Slowly, over a period of time, without being able to pinpoint any one decision, collectively the attitude on the infrastructure decisions leads to that.

I want to say a little about Via Rail and this government's response to Via. In North Bay, where my riding is located, there are two trains serving northeastern Ontario. One is the Ontario Northland Transportation Commission train; the other is the Via train. When you ask people in northeastern Ontario, "Which train do you take?" they say: "We take the ONTC one. It's only 30 years old, not 50. They actually seem to be appreciative that we took their train. Somebody smiles at us when I get on the thing." In fact, the people of northeastern Ontario will tell you they specifically ask: "Which train is it? Is it the Via train or is it the Ontario Northland train?"

Now Via has said it is going to cut back. It is going to get out of the rail transportation business. I say alleluia. They cannot run trains; they do not want to run trains. They do not want to be in the business. Is it not time we had people running railways, passenger travel services, which I am so supportive of, who want to be in the business, who can be in the business and who belong in the business?

What an opportunity for the Ontario government to say: "Thank God they're gone. We can run trains properly now in northeastern Ontario. Let's take over the CN track. Now is the

opportunity to take over that track for the province of Ontario and run passenger services the way they should be run."

Now is the time to go to the private sector and say, "Look, we are open to people who want to be in the passenger business." The private sector has indicated it wants to be in the business. Via does not want to be in it. That is the arm of CP and CN where they shuffle all that off into passenger services, where they shove all the costs into passenger services because the government will subsidize those. That is just being smart if you are in that business. They say, "Look, we'll subsidize half your home that is doing this piece of business, but we won't subsidize this half that is not." You shove all the costs into the half that is being subsidized. That is why the taxpayers have to subsidize passenger rail services so much. They do not want to be in that business.

We know that from Montreal to Toronto the private sector will make the \$5-billion investment. They want to be in the business. They will run high-speed rail between Toronto and Montreal without any subsidy, without any capital costs paid for by government. We also know that they will run in the Quebec City to Windsor corridor if they are given some concessions of land where the stops are. Why do we not take this opportunity to let the private sector run the rail system in this country? Why do we not take the opportunity to let the ONTC run the rail service north in this country?

People say: "Let's blame the federal government. Let's blame this government." There is one government in this country that is more than bankrupt; it is flat broke, bankrupt and in deep, deep trouble, regardless of which party is in there, whether it is Liberal, Conservative or NDP. They are bankrupt. They cannot afford many of the things we are asking them to do; they cannot afford it. To Ontario taxpayers, does it matter whether they pay to Bob Nixon or whether they pay to Michael Wilson or whether they pay to the school board or whether they pay to the municipality? It is the same taxpayer. There is only one guy who cares: the individual treasurers or the premiers or the governments.

I suggest that the commuter services should be provided by this province or the private sector. I suggest that now is the opportunity for passenger services in this province to be looked at jointly with Quebec, to be looked at with the ONTC, to put passenger rail services back in the forefront, to see the investment that should be made in the future. It is ironic, is it not, that 46 years ago

decisions on electrification, education and roads were made. That was the direction the government went in. Successive governments followed that way and Ontario prospered.

People say to me, "It's just because Ontario is so lucky the way it is located." Ontario is not located any better than Quebec or many of the northern states. It took good planning. It took courage. It took infrastructure-type investment, the long-term decisions. Does it take courage to do it? Yes, it does, because there are no short-term votes in it. When you make a decision where a major artery is going to go and where the trunk-line sewer is going to go you make a lot of people mad, because if it is in this area where private people own the land or the community sees a development, they are happy and these five towns are mad.

Government must insist on those infrastructure decisions being slightly ahead of demand. If it is slightly ahead of demand, I suggest to the members of this House that we will not have to spend billions of dollars subsidizing because we will have an adequate supply. We will have affordable land for commercial, industrial and housing use.

2030

I wanted to put those few comments on the record. I wanted to say how disappointed I have been with many levels of government of all parties for taking the short-term view over this past decade or so in this country and in this province, and not taking the courageous, long-term view. Nowhere is it more apparent than in taking the long-term view of the type of transportation infrastructure, in conjunction with those other infrastructures that are so important and that allow a province to be competitive, that allow those who want to work, who want to succeed, who want to invest that opportunity in our province, in my province, in Ontario.

I say these words with sincerity. That is why I think I was elected and what I hope to accomplish, to be able to influence in whatever small way I can, from wherever I am and from whatever position, and at the current time from the opposition, to encourage legislators to take the long-term right view that will allow our province to again be competitive.

The Acting Speaker (Mr Breaugh): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Resolution concurred in.

CONCURRENCE IN SUPPLY,
OFFICE FOR DISABLED PERSONS

Mr Laughren: First of all, I should congratulate the minister on her promotion. We have hopes she will do some things her predecessors did not do.

There are a couple of issues with which I have a problem. One of them has to do with the sales tax rebate for vehicles for people who are disabled. First, the ministry has not properly advertised the program through the dealers, that if someone who is disabled buys an automobile he gets a rebate on his sales tax or does not pay the sales tax. That is not well advertised out there across Ontario, neither to disabled persons nor to the dealers who are selling the vehicles.

Second, it is my understanding as well that in order to qualify for that rebate, you must have an assistive device such as a wheelchair, for example. Surely to goodness that is a bit extreme in terms of determining whether or not a person is disabled. I think that is a very narrow and mean-spirited definition of disabled for purposes of a sales tax rebate.

I would encourage the new minister to look at that matter. I do not expect her to give me an instant answer this evening, but I would very much hope that she would take a look at that program and promote it more among the disabled and the automobile dealers of the province, and take a look as well at how restrictive the definition of "disabled" is for the purposes of that sales tax rebate.

The final point I want to make has to do with a matter with which the minister is familiar, because I have been harassing her for the last couple of months over the problem when someone is disabled and needs transportation to his employment.

I could be very specific with an example of a person who is disabled and has multiple sclerosis, I believe. Bell Canada has employed this person and to its credit has continued to employ this person even though the disability is quite severe. We asked for some assistance for transportation for that person. If that person is not transported to his work, in this case to Sudbury, that person will go on social assistance as the sole breadwinner in that family, and the state, Ontario, will pick up the tab for social assistance.

Surely the alternative, which provides that person with more dignity, and for those people who are concerned about the public purse will save the public money as well, is to provide

transportation for that person from where that person lives to his employment, in this case in the city of Sudbury.

It is unfortunate that the municipality in this case has not resolved the problem. The region says it is the responsibility of the local area municipality and the area municipality says it is the responsibility of the region, and they both say it is really a provincial problem. I personally think it is a provincial problem. I do not think something that important for our disabled should be left up to the whims of the local municipality, which may not be as progressive as I think most of us here are, or want to be at least, when it comes to dealing with the disabled people in the province.

While the minister has been very co-operative on this particular problem and I believe is trying to do what she can for this particular couple, it is not good enough to try and resolve the problem for one person when there must be many cases like that across the province.

I hope a policy is developed by which, if a person needs to get to work, the province will make sure a program is in place, either by doing it itself or by making sure that municipalities do it and giving the municipalities the proper backup. This person lives in a municipality that has a population of only about 15,000 persons, so it is very hard for it to put on a program and fund a program by itself. I hope very much that the minister will be able to put in place an appropriate program.

Mr J. M. Johnson: I spoke to the minister earlier this afternoon about a problem that very much concerns me. She made an announcement today that access funding would be extended for the next three years. I congratulate her on that endeavour because I think it is extremely important, but I brought to her attention a concern I have for disabled senior citizens living in senior citizens apartment buildings of two storeys.

I have talked to the Minister without Portfolio responsible for senior citizens' affairs (Mr Morin) and the Minister of Housing (Mr Sweeney). I raised it with the Premier (Mr Peterson) in question period a week or so ago. The problem is that it does not fall within the mandate of any of the ministries, including the minister's own. I fully appreciate that.

I have a problem with it because the federal government years ago built the two-storey apartment buildings without consideration of the fact that some day the seniors would become disabled and not be able to climb the stairs.

Whether they have had a heart attack or just simply a hip replacement or a broken leg, they cannot get into their own homes. Surely, if we have access to the Royal Canadian Legion once or twice a week, if we have access to the church once or twice a week, and to community buildings, it just makes sense that we should provide access to our disabled seniors to get into their own homes. I have requested support from the Premier and I hope he will respond.

If we are providing access, surely it just makes sense that we should provide it for these people. What I am asking her to do tonight is to give consideration to working with the Minister without Portfolio responsible for senior citizens' affairs, the Minister of Housing and the Premier and come up with some type of program whereby we can work towards resolving the problem we have. It is not just in my riding. There is not one riding that does not have a similar problem. We have to address it at some point in time.

It just does not make sense. If these people have an operation and they cannot return to their homes, they stay in the hospital for an extra four, five, six or eight weeks at a prohibitive cost. Many of them become so disillusioned that they end up going into nursing homes much earlier than they would have to. There is accommodation on the second floor of many of these buildings that is not being taken up for the simple fact that the seniors realize what is going to happen.

2040

Somebody in the government has to work to resolve it. The federal people have a responsibility. They have not exercised it and refuse to do so, so I am simply imploring the ministries that are involved to work together and see if we cannot start a program over the next five or 10 years to try to resolve this situation for the benefit of our senior citizens who become disabled.

Mr Allen: I want to rise and make a few comments with respect to the concurrences in the estimates of the ministry responsible for the Office for Disabled Persons.

First, to return to the point that the last speaker initiated his remarks with and the minister's announcement today, I want to emphasize the point that I was maybe making very hastily at that time, that while all of us can feel happy up to a certain point with respect to the extension of the access program—and one certainly moves around this province and sees more and more buildings, more and more facilities which are accessible to the disabled, and I think that is a credit to any government that has initiated those programs and

has seen them through—at the same time, I think access in a certain measure is measurable by the needs of the community concerned, the community of the disabled.

Clearly, the degree of access that is needed and the pressure upon access is a direct consequence of how mobile disabled people are: how much they are moving in and around the community, whether they are able to get back and forth to work, whether they have jobs to go to or not or whether they are all sort of shepherded in one or another location because that is where the disabled congregate for sheltered workshops or for this or for that. The more movement, the more mobility there is and the more life options there are for the disabled, the greater is going to be the demand for access of all kinds.

It has certainly struck me that while the Office for Disabled Persons has tried to be a reasonably good advocate for the disabled in this province, at the same time we have not made the progress we might have among some of the main line ministries.

I am thinking, for example, of the Ministry of Transportation, in whose estimates I might have spoken just a few moments ago. In this city, the Toronto Transit Commission has for some time resisted very strenuously the notion of using a variety of devices, investments in its transportation system, in order to make the system more accessible to the disabled, whether it was subway stations on the one hand or whether it was kneeling buses on the other, or a number of devices in between for enabling the disabled transit user. Recently, the transportation commission has appeared to be in a fairly significant internal debate and moving much more positively in that regard. What I have not noticed in the Ministry of Transportation in the province, however, is an equal readiness to move in response.

That may well be because of a certain resistance in some municipalities across the province. Before the minister was the Minister without Portfolio responsible for disabled persons, she did not have an opportunity to go, as I did, to the speaker's conference on the disabled at the House of Commons two years ago and to hear the mayor of Mississauga stand up at the opening breakfast of this conference of and for the disabled and to say literally the first words to that assembly, "Don't come to us for money for integrating main line transit for the disabled"—wet blanket; right off. It was amazing.

Mr Mahoney: Hazel McCallion?

Mr Allen: His Hazel. Incredible.

Mr Mahoney: That was one day. The next it was was something else.

Mr Allen: Well, that may be. He knows her better than I do.

What I am perhaps giving the minister and the Ministry of Transportation is a bit of an out. I understand that there may be problems with the transfer agency involved. None the less, I think there is an issue to be tackled by this minister and by her ministry; namely, advocacy with a major ministry in the administration, the Ministry of Transportation, in order to see that universal access for the disabled to main line transit becomes the hallmark, as the Ontario Advisory Council for Disabled Persons has suggested in its own study, *Freedom to Move is Life Itself*. Lay that agenda on this ministry and on the Ministry of Transportation. "Before any other measures of disabled transportation access were to be embarked upon," said the council, "this government must commit itself to an agenda and a timetable for disabled access to main line transit." I think we all have to fight for that and fight for it strongly, so I urge the minister to move in on that battle.

The other point that I want to make which will affect the way in which we measure the success of access programs of the kind that the minister has proposed today is in the whole area of employment equity. I am sure I do not have to tell the minister very much about this. Again, the Ontario Advisory Council for Disabled Persons has this as a major focus; not just a one-year study, now a two-year study. They have had to extend their parameters because it is such a big project. The minister will know a great deal about that.

All that I want to say is that we have made very slow progress, glacial progress, on the question of employment equity for the disabled in this province. I do not care, basically, whether the progress we have made is better or worse than any other province or any other jurisdiction. I keep hearing that line more and more from this government, as I heard from the past government in its declining years. It was always comparing, "This is probably the most advanced administration, if not in Canada, at least in North America; if not in North America, in the world." It got repetitive to the point of being tiresome, and when one began to investigate the comparisons, often it was more hyperbole and self-congratulation than a reflection of reality. I think a government should very carefully measure its words and not engage in those comparisons in too

exotic a fashion, because those words will come back to haunt it.

Certainly in this case I do not think the measure is what other people do, I think the measure is the need that is out there. The measure is the need of disabled people, and until we have met their need for full dignity in the workplace and in employment questions we have not responded fully to the needs of disabled people in Ontario.

There is no one who can tell me that this province cannot afford to do that. I was just looking through this recent publication, *Income Security: The Disabled Income System in Canada*, which explores a number of options with respect to income options for the disabled. I notice, for example, by way of comparison, that in terms of assistance to families, compensating them for the costs of having a disability in the family, the maximum amounts that are available to families in various provinces are more than \$97 in Quebec, \$275 in Ontario, \$300 in Nova Scotia, \$369 in Newfoundland. In fact, it goes all the way up. New Brunswick is even higher than those and Alberta reimburses actual expenditures for every necessary service that is purchased to the full for income supplements for families with a disabled member. So not only on meeting real need, but in terms of meeting the level of compensation that other provinces provide, we are not in a particularly happy position in that kind of a measure.

Without wanting to prolong the debate and engaging in a whole lot of incidents and the programs that I could go into, such as the special services at home program, which has been recently cut, and our failure to provide full and total costs for assistive devices and so on and so on, I will resume my seat and urge the minister in her first and succeeding years to take up this advocacy option.

Using the word reminds me that the province has had on its agenda for some time a number of advocacy reports which have not been implemented, which need to be implemented, which would provide a context for any advocacy ministry such as hers to play a much more positive and effective role in this province. I hope she will likewise further inside the government an advocacy on behalf of advocacy.

Resolution concurred in.

2050

CONCURRENCE IN SUPPLY, OFFICE FOR SENIOR CITIZENS' AFFAIRS

Mr J. M. Johnson: I would just like to compliment the Minister without Portfolio re-

sponsible for senior citizens' affairs (Mr Morin) for the very serious consideration he has given to the problem I just spoke about a few minutes ago and I do hope he will work together with other ministries to try to resolve it.

Mr D. S. Cooke: I remember when this ministry was first created and the original minister under the Liberal government, Ron Van Horne, was the minister. There were all sorts of ambitious plans they were looking at. They were looking at a new extended care act, an amalgamation with the Homes for the Aged and Rest Homes Act, they were looking at regulation of the rest homes and retirement homes in the province, none of which has happened. The only thing that has happened at this point has been the short-term amendments to the Nursing Homes Act that occurred under the accord period as a result of the accord. The new extended care act has not been drafted. I do not know where the minister is at with that piece of legislation.

Our home care programs have not progressed at all in this province. Home care programs were frozen. The integrated homemaker program has not been extended to any more communities than were under the pilot projects. I do not know what this minister has to say for himself in terms of progress that has been made for maintaining individuals in their homes and their independence and their dignity, rather than a reliance on chronic care institutions and nursing homes in this province.

As far as I can see, the only thing this ministry has really accomplished over the last number of years has been to receive the annual report of the advisory committee on senior citizens in this province. There has not been anything concrete come out of this ministry at all in terms of basic reforms for services provided for seniors that are meaningful in this province. I guess it is a junior portfolio that is designed to allow additional people to be in cabinet and provides for some regional balance in cabinet.

What has happened to the review of the extended care program? Is there now going to be a consolidation of the Homes for the Aged and Rest Homes Act and the extended care act in this province, the Nursing Homes Act? That was promised in 1985. They said it would be a two-year program and that the legislation would come forward. Here it is nearly 1990 and there is still no amalgamation of those two pieces of legislation.

With respect to home care programs, I have already said the integrated homemaker program

was frozen by this government a couple of years ago. It has not been extended at all.

I think what this minister should set is some goals for himself over the next year. If his government and his colleagues are not prepared to implement some of those programs which seniors have been asking for time and time again, I think he should voluntarily resign and say that if the recommendations and concerns are not going to be adhered to, then perhaps there is no need for the ministry at all.

The Acting Speaker: The Minister without Portfolio responsible for senior citizens' affairs has moved a motion for concurrence in supply for the Office for Senior Citizens' Affairs. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Resolution concurred in.

INCOME TAX AMENDMENT ACT

Mr Daigeler, on behalf of Mr Mancini, moved second reading of Bill 60, An Act to amend the Income Tax Act.

Mr Daigeler: This bill, entitled An Act to amend the Income Tax Act, implements a number of administrative and basically technical amendments, as well as one rather important item arising out of the budget of 17 May 1989, certainly, in my opinion, a rather good budget which will establish the future prosperity of this province.

In the budget the rate of personal income tax was increased one percentage point to 53 per cent for 1990 and subsequent years. Since health care funding is shared between business and individuals, this increase in the personal income tax will help to maintain the balance in the funding for Ontario's universal health care system. This bill implements precisely this increase for individuals.

Also, an enrichment to the Ontario tax reduction program is part of this announcement. This means that approximately 365,000 low-income individuals who are liable for basic federal personal income tax will pay no Ontario personal income tax and about 195,000 other people in Ontario will benefit from reduced personal income tax. All of this is part of this bill.

Much of this project is dedicated also to redesigning the act in order to link by direct statutory reference many administrative provisions to the parallel federal provisions. These

are the technical amendments that I was referring to earlier.

Under the terms of the federal-provincial tax collection agreement whereby the federal government, as the members know, administers Ontario personal income tax, Ontario is required to amend the act continually in order to keep it current with the federal provisions. This bill provides that federal amendments to adopted sections will apply for the purposes of our Ontario act and this reduces the need to amend our own act in the future in order to implement federal changes.

The important point, therefore, is that the amendments, while simplifying the method of enacting administrative provisions, do not change the basis parameters of the law.

Mr Laughren: I have just one question, and there may be a totally legitimate answer to it, so I do not put the question in an accusatory way: Where is the minister on this very important bill?

Mr Cousens: Could the member for Nepean tell us what this rate of income tax was when he came to power in 1985? I happen to know, but it is a skill-testing question I would like to hear the member answer so that he can compare what it is now with what it was then, because I am going to tell him afterwards just how much it is costing the great people of Ontario.

Honourable Speaker, I want to speak through you, in the spirit of Christmas.

Hon Mr Sweeney: We've got to pay for those roads you want, Don.

Mr Cousens: This does not go to roads. This is going into the big pockets of the Liberal government, and those guys better know where the money is going, because we—

Hon Mr Sweeney: It sure does—roads, hospitals, schools; all for Markham.

The Acting Speaker: Would the Minister of Housing come to order, please?

Hon Mr Sweeney: All for Markham.

Mr Cousens: If that is the case—

2100

The Acting Speaker: Are there any further comments and questions? Seeing none, does the parliamentary assistant wish to reply?

Mr Daigeler: First of all, to the member for Nickel Belt (Mr Laughren), if I am not mistaken, I think the minister has confidence in his parliamentary assistant to follow the well-established practice in this House. After all, that is why they do get a bit of extra allowance; we earn our keep and this late at night do represent,

hopefully well, the viewpoints of the government. So I say to the member for Nickel Belt, the minister has conferred the responsibility on me this evening.

I would like to indicate to the member for Markham (Mr Cousens), because he has a purpose behind his question, that we realize this particular provision will bring in additional revenues to the Treasurer (Mr R. F. Nixon), and these revenues will balance the provisions he has complained about for several weeks that in his opinion are providing an undue burden on businesses in the province.

This particular provision also places an additional tax or levy on individuals; although the member opposite does not agree with it, I am confident that it will raise the moneys we need to continue to provide the excellent health care services and improvements in the health care services that are constantly asked for here by the members in the front line opposite and by some of the members in the background as well.

Mr Laughren: In my earlier remarks I was not questioning the ability of the member for Nepean to shepherd this bill—there is that word “shepherd” again—through second reading debate. Rather, I was expressing my surprise that the minister would not be here.

Surely, when we are dealing with one of the basic principles of taxation, namely, income tax, the minister is the one who should be here to carry the debate, listen to the arguments put by the opposition and respond to the conclusion of the debate. After all, the minister is the one responsible for delivering this bill and this increased tax.

My criticism was not of the member for Nepean. I am sure he can handle the bill most competently. That was not my problem at all. But it is beyond me how—

Mr D. R. Cooke: So what are you complaining about? What's your problem?

Mr Laughren: If the member for Kitchener does not understand what the problem is, I will repeat it for him. My problem is that on a bill as important as this, an income tax bill, for the Minister of Revenue (Mr Mancini) not to be here to carry it is, I think, offensive to this chamber. That is what my problem is. I do not expect the member for Kitchener to understand that. But there is the tradition in this place that ministers deliver and shepherd the important bills through this assembly. It is a long tradition that I do not expect the member for Kitchener to understand.

Mr D. R. Cooke: How many NDPers are here?

Mr Laughren: Would the clown from Kitchener mind keeping quiet for a minute?

Mr Cousens: If the Speaker would look after him and kick him out—

Mr Laughren: Yes. If we needed a clown we would give him a suit.

Mr Kerrio: Floyd, you are in bad humour.

Mr Laughren: I was not in bad humour when I started this debate.

The Acting Speaker: Order, please. Members should know by now that you interject at your own peril.

Mr Laughren: It is bad enough that the Treasurer passes on the responsibility for this bill to the Minister of Revenue and now the Minister of Revenue passes it on to the parliamentary assistant. We are carrying delegation to an embarrassing extent here.

We all know that Maximum Bob Tax-to-the-Max Nixon lays the taxes on the people of Ontario and then says to the Minister of Revenue: "Now you go carry the can on this bill. I've done my job; I've raised taxes. You go out there and try to get it through the assembly."

I and my caucus would be supporting this bill if this was part of a package of progressive tax reform. We would be supporting, believe it or not, an increase in income tax, because we do believe that of all the taxes that are out there imposed on our citizens, income tax is the fairest tax of all. But if all the minister is doing is loading up income taxes and consumption taxes on people and not bringing in a balanced package so that the tax burden is shared more fairly, then he should not ask us to support even an increase in the income tax. Why should we? I have no hesitation in saying that if this was part of a package of tax reform, we would be supporting this bill to increase the provincial income tax.

It is not as though the Treasurer does not have an array of options open to him in terms of tax reform. We have said to him for a number of years now, ever since he became the Treasurer, "Why do you not impose in Ontario a minimum corporate tax?" Corporation tax in Ontario is a provincial jurisdiction, as it is in most other provinces, perhaps in all of them. Even in the United States, in Reagan's America, there is a minimum corporate tax.

When Reagan was creating his tax changes, he heard a story that a teller in a bank paid more income tax than the bank did, even though it was a profit-making institution. He found that offensive and said, "We have to bring in a minimum corporate tax." It is not very often that I would

quote Ronald Reagan, or George Bush for that matter. I do not think George Bush has said anything, so I cannot quote him. But even Ronald Reagan outflanked these bandits opposite; he imposed a minimum corporate tax on the American corporate sector. They have not done this in this province. Why not? And they wonder why we are offended even by an increase in the provincial income tax.

By the way, 24 countries belong to the Organization for Economic Co-operation and Development. Of those, 22 have imposed a wealth tax in the form of either a tax on the wealth of people when they are alive—it is very small; not even one per cent—or an inheritance tax at death. Two countries do not have it, out of all the OECD countries. Even Ronald Reagan's America has one, or George Bush's America. Canada and Australia, out of all the OECD countries, do not impose a wealth tax.

Mr D. R. Cooke: The United States doesn't have a wealth tax.

Mr Laughren: The United States has an inheritance tax. I would call that a wealth tax; it is a tax on wealth when it passes from one generation to another. How come it is only the member for Kitchener I have to explain things to again and again? That is considered a wealth tax. Talk to anybody in the tax field, and they will tell you there are basically two forms of wealth tax, one on inheritance and the other on net worth. You would of course exclude principal residences, cars and so forth.

At least we have an option. This province used to have an inheritance tax, but we did away with it. The Conservatives did away with it and the Liberals have not reimposed it.

We have asked many times for a land speculation tax, but not as a source of revenue, I must confess, because if a land speculation tax was to work, it would not raise any revenue; it would just discourage speculation. That is my point. I do not see it as a revenue source; I see it as a way of discouraging speculation in residential property and land.

We have laid out before the Treasurer a package of tax reforms that would make it fair in the province of Ontario. But what does the minister do? He comes in and increases sales tax and personal income tax. There is no package of fairness there. That is just sticking it to Ontario citizens; that is all it is doing. There is absolutely nothing fair about that.

Now the Treasurer is in cahoots with Michael Wilson at the federal level to bring in a goods and services tax. When we presented a resolution in

this chamber about a month ago that called for the province to reject the goods and services tax and not co-operate with the federal government in putting the two together, the Liberal members in Ontario voted totally to oppose my resolution, which implies very directly that it would not be prepared to say to the feds, "Go away; we want nothing to do with your GST." Can members imagine the message that gives Michael Wilson and Brian Mulroney? It is telling them: "We're going to make all the right noises about not liking the GST, but when it comes time to impose it we'll be there to help you do it. Don't you worry, Brian and Michael, we'll be there to help you." That is what the government is saying.

2110

That is why, once again, we are opposing this increase in the income tax, not because income tax is inherently unfair but because it is not part of a package. We have laid out in budget after budget exactly what we would do for revenue. We have given the Treasurer our sources of revenue in every single budget, and we have put dollars after every one of them. If members do not believe that, they should go and ask the Treasurer himself. We have told the Treasurer exactly where he will get his money.

Mr D. R. Cooke: I don't believe that.

Mr Laughren: Well, it is an absolute truth.

I do not expect the members on that side to support a fair tax system; that would interfere with their very comfortable lifestyles. I do not expect the lawyers in Ontario to support our tax system. That is why I do not expect the member for Kitchener to support any tax system that I would bring into the province to protect ordinary people with ordinary incomes, not those people who make their money in rather—well, I will not say it.

I should not be surprised at the way this government handles taxes. The Treasurer is the person who says he thinks the sales tax is a fair tax because it is right out front there, where everybody can see it. Is that what makes a fair tax? That sure is a strange definition of equity to me. I thought equity was when people had equal burdens when they paid their tax. Just because it is evident there does not mean that it is equitable, but the Treasurer has a rather perverse view of what is equitable in our society. The Treasurer has imposed sales tax increases, he has imposed provincial income tax increases and now he is in cahoots with the federal government on the goods and services tax.

The Treasurer also has not dealt very fairly at all with the school boards and the municipalities

of this province. Members do not have to take my word for that. They can go back to their communities and ask their local municipalities what they think about the Treasurer and his treatment of the municipalities and the school boards. The Liberals said back in 1985, I guess it was, that if they were the government, they would lower the proportion of property taxes that were raised for school board purposes to 40 per cent and the province would pick up 60 per cent of education costs. Guess what happened?

Mr Villeneuve: How quickly they forget.

Mr Laughren: How quickly they forgot. Right now it is almost exactly the other way around. I think it is not much more than 40 per cent of school board costs are paid by the province and almost 60 per cent are paid by local property taxpayers. If that was not enough of an insult, they froze unconditional grants to the municipalities last year and then gave them a Mickey Mouse increase this year, not even keeping up with inflation and the rise of the population in the province.

There is no question that the tax system brought in by the Liberals in this province is no different from what the Conservatives did, with one exception: We no longer have OHIP premiums in the province. For that, I give the government credit, full marks, because to me the OHIP premiums were the most regressive of all taxes. It is most appropriate that the government has done away with OHIP premiums. To me that was a very important move. But if we think about what this Treasurer has done, he has increased income taxes, he has increased sales taxes, he has increased gasoline taxes, he has put a tax on tires and now he is imposing a further burden on municipalities and property taxpayers with the education lot levies at the local level.

At budget time, the Treasurer determines the tax policy of the government and then simply walks away and says to the Minister of Revenue, "All right, you go and sell it." I wish the Minister of Revenue was here, because at some point we have to involve him in the debate about taxation. I do not believe it is appropriate for the Treasurer to be totally responsible and then walk away when it comes to having the debate go through the assembly.

The argument that has always been used is that the Minister of Revenue says, "I don't make tax policy; go talk to the Treasurer." Of course, when the Treasurer brings it in he then says: "That's the responsibility of the Minister of Revenue now. I've done my job; I've introduced the policy." It is very difficult to engage in a

proper debate with cabinet members when the jurisdiction is split that way. That is one reason I am offended by the fact that the Minister of Revenue is not here this evening.

We know, for example, that if I were to ask the Minister of Revenue to explain the unfairness of the fact that people below the poverty level in the province still pay income tax, he would say, "Go talk to the Treasurer." Yet the last number I saw was that in Ontario there were 700,000 people who earned less than \$10,000 a year who were paying provincial income tax. Imagine earning less than \$10,000 a year and still paying provincial income tax. I think that is grossly unfair. This bill does not rectify that. This bill does not remove people below the poverty level from the tax roll. Why not? It could. It deals with income tax. Why does it not do that?

In this very wealthy province, at this point in our time, a single person earning \$10,000 a year—which, by the way, is \$2,000 below the poverty level—pays the following taxes: \$634 in federal income tax and \$313 in Ontario income tax, for a total of \$947. A single person earning \$10,000 a year pays almost \$1,000 in income tax. I consider that to be perverse.

To give another example, a single mother with two children who earns \$20,000 a year would pay federal income tax of \$1,500 and provincial income tax of \$743, for a total of \$2,243. I hope when I am finished speaking that some Liberal member will get to his feet and justify a tax system that says to a single mother with two kids that she should pay \$743 in provincial income tax when she has an income of \$20,000 a year. I would like to hear a Liberal member get up and justify that kind of taxation in the province. I really hope someone will do that. At the very least, I expect the member for Nepean to justify that.

I should tell members that in Quebec a family of four with an income of \$20,000 would pay no provincial income tax—none. Part of the reason, of course, is that Quebec has its own income tax system.

At the same time as people at these kinds of levels, with incomes of \$10,000 or \$20,000, are paying provincial income tax in Ontario, in 1986, the last year for which we could get figures, there were almost 3,000 people who earned over \$50,000 and paid zero income tax. I want some Liberal to stand up in his place and justify that too.

In particular, I expect the member for Nepean to justify that kind of tax system. If he says, "It's not our fault; provincial income tax is based on

the basic federal tax payable," then I would say to him, "Why are we dependent on the federal tax system for our level of taxation in the province of Ontario?" Not only that, of course; there is the tax credit system that could look after that if it were properly enriched.

2120

I do not expect the member for Kitchener to understand this or to know this, but in Ontario, while all that is going on in terms of how unfair the tax system is, there is a special exemption for capital gains because of the federal legislation. That costs almost \$500 million a year to the Treasury in Ontario. So the member says, "Where's the revenue coming from?" There is one place, I say to my friend, almost \$500 million from the special exemption for capital gains. That is what it costs the Ontario Treasury.

Do we hear anything about that from the Treasurer? Not a word. Do we hear about that from any member of the Liberal Party? Nothing. I am waiting. I am glad we have a late-night sitting where we can sit until 12, because there is going to be lots of time for Liberal members to get up and justify their tax system in this province, lots of time, and I expect they will do it. It is truly wonderful when people below the poverty line are paying provincial income tax and people earning \$50,000 a year are paying no income tax. What kind of tax system is that supposed to be?

I have raised in this assembly on several occasions with the Treasurer the possibility of Ontario having its own income tax system. A number of years ago, in 1983, the Ontario Economic Council, when it existed, prepared a report called *A Separate Personal Income Tax for Ontario*. The report did not conclude that Ontario should have a separate income tax. They said there were advantages and there were disadvantages. When I look at it, I think the advantages outweigh the disadvantages, but there is no question there are some disadvantages as well.

Mr D. R. Cooke: Hire more bureaucrats.

Mr Laughren: I guess they can always say, "We don't want any bureaucrats," even though it would make a fairer tax system. Even though it would make a fairer tax system, there are Liberal members who will say, "We don't care how rotten the tax system is, we don't want any more bureaucrats." Liberals can say they do not want any more bureaucrats, but my friends should check the record and see how many more bureaucrats they have added since they came to power. So that argument does not hold any water

at all. That is a ridiculous argument, totally ridiculous.

The report from the Ontario Economic Council said, "Because the federal-provincial income tax system must apply uniformly across the nation, it clearly cannot reflect unique social and economic geographic jurisdictional differences." It makes the point that we are all different.

"The Canadian fact of great interjurisdictional diversity, coupled with the need for a uniform federal-provincial income tax system across jurisdictions, suggests a possible opportunity for the provinces. Why not have a separate provincial income tax system for Ontario that fully reflects the unique mix of tastes and preferences of Ontario residents and their particular human, physical, capital and natural resource endowments? Why settle for less? The province has a separate and unique corporate income tax system and a separate and unique retail sales tax system. Why not its own unique provincial income tax system?"

Why not indeed? Sure it would cost money. They have even done estimates of how much it would cost, but as a total percentage of the cost of what you would bring in, it is not unreasonable.

The real issue here is not whether you have your own provincial income tax system; it is what kind of income tax system you have. I just refuse to buy the argument from the government that it cannot alter substantially the income tax system because it is based on the federal system. If the government does not like the federal system, then it should get its own. Quebec has done it; we can do it. There is nothing wrong with it.

I make that point because I do not want the members of the Liberal government saying that we cannot have our own system. We can have our own system. I do not want them making arguments that they cannot control the fairness in the tax system because it is federally based, because that is nonsense. If they are that unhappy with it, then we should create our own tax system.

The Treasurer occasionally will say: "Tax credits look after the problem. Don't worry about income tax levels. The tax credits look after that." That is a lot of nonsense. The value of tax credits has not even kept up with the rate of inflation since they were first introduced 15 years ago.

Last year, the sales tax increase was raised from seven to eight per cent, but there was no increase in the sales tax credit, none. How can the government raise the sales tax without raising the sales tax credit and still have any credibility

when it comes to the value of tax credits easing the burden for low-income taxpayers?

Now there has been an increase in the income tax. There is no increase in the tax credits for that either, no increase in grants to seniors in this budget either, nothing.

If the government wants to have any credibility on the tax credits, this year it would have had to have increased the total value of them by about \$300 million. Even just to bring them up to the level of the 1984 sales tax credits, it would have had to enrich them by about \$300 million in total. But it did not do that; it just increased taxes without increasing the credits to ease the burden on the low-income taxpayers.

The issue here is one of a package of fairness or no package of fairness, and clearly the government has not brought in the package of fairness. I mentioned a few minutes ago that a tax that we have proposed to the Treasurer would raise about \$477 million. That was a special exemption on capital gains because I know that the member for Kitchener was really fretting about the fact that he did not think we would be able to raise any revenues with our system.

We have just talked about the capital gains exemption, that it is costing the Treasury almost \$500 million. The minimum corporate tax would raise \$500 million almost exactly. So already I have handed to the Treasurer \$1 billion a year in two taxes, the capital gains exemption that would be removed and the minimum corporate tax, and neither one would drive investors out of Ontario or would drive taxpayers out of Ontario.

Mr D. R. Cooke: What do you mean, "neither one"?

Mr Laughren: Because they are in other jurisdictions, that is why, and it does not drive people out of those jurisdictions.

It is total nonsense that we cannot do more than we are doing for people at low- and middle-income levels. Is it any wonder that there has been a dramatic increase in food banks, particularly in Metropolitan Toronto? I do not know how members of this government can be even proud to represent their party when they look at food banks in Metropolitan Toronto.

Ms Hošek: None of us is proud of food banks, Floyd.

Mr Laughren: The members are so proud of them that they do nothing to remove them. If my friends really do not like the food banks, they should get rid of them. Why do we need food banks? Are these the 1930s? Do the members know what makes a Liberal happy? What makes a Liberal happy is seeing someone drive up to a

food bank in a Jaguar and drop off a box of canned goods. To a Liberal, the war on poverty is to throw stones at beggars. I am telling members that this government has not even tried to make the system any fairer since it became the government back in 1985.

Mr Adams: What about OHIP? You are exaggerating now.

Mr Laughren: I gave the government credit for abolishing OHIP premiums.

As long as we talk in generalities about minimum corporate tax and about capital gains exemptions, the Liberals are pretty quiet. They sit there and they take it, but we touch a raw nerve when we start talking about food banks and poverty in this province because it makes them squirm, does it not? It makes them squirm. That is the problem. They really do not like to think about it. They would like to think that it was not there. They would like to think that we have a first-class city, a first-class province without dealing with the reality of what is out there. That is their problem.

2130

Mr Laughren: I hope that someone, perhaps even the member for Nepean, will tell me how he justifies a system that taxes people earning \$2,000 below the poverty level, makes those people pay provincial income taxes. Is he really surprised that they end up at the food banks? We are talking about the working poor here. We are not just talking about people on social assistance. The latest estimate was that there are about 80,000 to 90,000 people in total every month using the food banks in Metropolitan Toronto, and about 14,000 who are working poor. The member for Hamilton West (Mr Allen) will correct me if I am wrong, but that is the number.

The government has done absolutely nothing about that problem, absolutely nothing. If it had a program in place to phase out the food banks, I would apologize for my remarks. The government has done nothing to get rid of food banks in the province. My leader asked the Premier (Mr Peterson) the other day and the Minister of Community and Social Services (Mr Beer)—

Mr Allen: We will tell you about that in a few minutes.

Mr Laughren: My colleague from Hamilton will deal with that issue. We have asked the Treasurer and the Premier what their plan is to get rid of food banks. Do members know what we get for an answer? Nothing. There is no plan. They have no plans to get rid of food banks. Food banks should be an embarrassing memory in this

province, but that is not what it is, it is an embarrassing reality. That is what makes the Liberals squirm, is it not? They do not mind the people with the Jags and the Audis and the \$50,000 incomes who pay no taxes, but they do not want to acknowledge the people who have to go to the food bank every bloody month for food for their kids. That is what they do not like to accept. Yet it is out there, it is very, very real and they are doing absolutely nothing about it. They could start at least with the tax system. They can at least make a start there. It would be an indication that they realize how wrong things were.

I would not want to take up much more time of the House on this bill, but I would conclude by simply saying that we have in this province a rotten tax system, an inequitable tax system and we have as a Treasurer someone who does not really care about that. I do not think I am being unfair. They can talk to him themselves, ask him what he thinks about the food banks in the province and particularly in Metropolitan Toronto, ask him what he thinks about people earning below the poverty level paying income tax. They do not need to take my word for it. The members can ask him. He is their colleague. He will tell them. He is very direct, he pulls no punches. He will tell the members what he thinks of it. I hope the members will be as surprised as I was with his answers.

We are opposing this increase in income tax because it is not part of a package of tax reform. It simply sticks it to people in the province without giving any of us any sense of fairness about the system. For those reasons we are opposing this bill.

The Acting Speaker (Mr Cureatz): The honourable member for Nickel Belt is participating in the debate of second reading of Bill 60, An Act to amend the Income Tax Act. Any questions or comments? Seeing none, continuing the debate, it gives me a great deal of pleasure to recognize the member for Markham.

Mr Cousens: Thank you very much, Mr Speaker, and I would like to compliment you on your new duds. It is probably part of the way in which this money is being spent, to pay for the acting Speakers to be dressed in accordance with the standards of the House. I would not want to offend the honourable Speaker. He might cut me off for being off topic, but I am not, because we are talking about the spending of moneys of the people of the province of Ontario. The fact that we have the honourable acting Speaker dressed accordingly is a good thing, so I support that.

We are dealing with the Income Tax Amendment Act, and it is a very, very serious bill. When we began this presentation, the member for Nepean stood up in his seat, tall and strong of voice, and started to say that we are increasing this income tax by one per cent to 53 per cent and then it will lead to the future prosperity of the province and a few technical amendments.

I had the pleasure of asking him, what was the rate of taxation on the personal income tax when you came to power? This honourable member, the member for Nepean, the parliamentary assistant to the Minister of Revenue, deigned not to respond to that question, either because he did not know it or because he did not want to admit to it. In either case, I find it quite repulsive that he would not be open, but that is typical of this Liberal government.

When the Liberals took office in 1985, the Ontario income tax that was part of our personal income tax was 48 per cent of the base federal tax. The Liberal budgets in 1985, 1988 and now in 1989 have increased the Ontario personal income tax rate. This bill represents the third time in less than two years that the Liberals have increased the Ontario personal income tax. The 1988 budget provided for a two-phase increase, from 50 to 51 per cent of the base federal tax in 1988 and from 51 per cent to 52 per cent of the base federal tax in 1989. In subsequent taxation years this proposed increase will raise an additional \$36 million on a gross basis in the 1989-90 fiscal year and \$237 million in a full fiscal year.

This government has taken another step by linking this bill with the employer health tax and the financing of the health care system. The government argument is that while the self-employed and sole proprietors have been exempted from the employee health tax, some of the foregone revenues from this exemption will be captured by the rate increase that will ensure that these individuals continue to contribute to the financing of the health care system.

I have to say it is a repulsive and reprehensible thing that is going on within this province. We are being taxed to the hilt by this government and there is no relief in sight for the small person who is carrying the load of the responsibility of paying his bills, looking after a family, being responsible for himself. I have to say it is becoming a major financial struggle for everybody in this province, and one of the leading causes of that struggle has to be the rate of taxation that this government is levying upon all people.

It costs 30 per cent less to live in Buffalo. By costing that much more in the Toronto area, and accordingly across the province, we are making it increasingly difficult for people at home to balance their budgets. We have people today going out to spend their moneys to buy Christmas gifts for their children and their families and who again are short-changed because there just is not enough money there to pay the bills. More and more people are just a couple of paycheques away from bankruptcy.

This government has been a leading cause of the real downfall of people not being able to have enough money left over from their hard-earned work to go and do the things they want to do with it. What we have got here is a government that has increased its taxation levels by over 100 per cent since it came to power. We are seeing a government that has taken Ontario from being the lowest of all the provinces on a per capita basis of money spent on the financing of government to now the fifth most expensive. It is very easy to spend money, especially when you have got it. We have had prosperity. But it has been a time when this province could have come along and said: "Let's balance the books. Let's be frugal in our expenses."

During the earlier years before the Liberals took power, in the four years before they did take power, the government at the time was successful in decreasing the number of civil servants by over 4,000. In the few years that the Liberals have taken power, some four years, they have added 8,000 civil servants.

All of these things, along with the false expectations, the large spending habits, have caused our whole society to start to say, "There's something the matter."

I would like to touch very briefly on some of the people who are really touched by it. They are the small hard-working people who have made this province strong and what it is today.

Mr Chiarelli: The red Tories built a \$3.2-billion deficit.

Mr Black: Don, that's not going to work as long as you keep talking nonsense.

Mr Cousens: There are a lot of people who are very eloquent from their seats, Mr Speaker, and if they want to speak, they certainly have a chance, but I would be grateful if you would find some way of stifling them. Maybe you have no power over the other members of this House.

2140

The Acting Speaker: The honourable member is inciting other honourable members with his

remarks but, by the same token, every honourable member has the right to be heard. I am wondering if we could all come to a more happy understanding so that we could make the rest of the night enjoyable for all of us.

Mr Cousens: Thank you, Mr Speaker, and I apologize for knocking your new suit.

When we talk about students and the financial hardship they are having, the Ontario student assistance program has certainly not kept pace with the way in which young people are trying to finance their education. Costs are increasing, but we are not seeing this government put the emphasis on education that it should be doing.

We are seeing the health care system suffer in a way that is unprecedented. I have a letter from one of my constituents in the old village of Markham who talks about a person who was going for cancer treatment and could not obtain that treatment in Toronto hospitals and was suggested to go to Thunder Bay or Windsor. We were helpful in getting this person to go to Windsor, a little closer to her home town. I would just like to quote briefly the comments from this senior citizen in my own riding. She says:

"This is totally unacceptable for a senior, of all people, to have to be moved away from family, church and support groups at such an emotionally trying time as cancer therapy. I am told that the reason for this is that Toronto brings in so many patients from all parts of the province. I ask the question: If people have to come from out-of-the-way places for treatment and they understand that this is the routine when they choose to live in remote areas, could these out-of-town people not be sent to Windsor and Thunder Bay, leaving beds in Toronto free for local people? Is this asking too much?"

She goes on to explain the problems of the health care system.

"I have to compliment my member, the member for Parry Sound, for the tremendous effort that he has taken in this Legislature to try to bring sense to the Minister of Health and explain to her the problems that the people at the grass-roots level of this province have. We have all this taxation, we have all this money, but the services that are being delivered are certainly not of the quality that people want in Ontario."

Another area where money has been misspent: Recently in the region of York there was a possibility that the home care program would be transferred to Metropolitan Toronto. I had a letter from the seniors co-ordinating and planning council of York region protesting that problem.

The problem was simply one of the province collecting its money. This province collects the money as quickly as it can from our payroll, from our provincial sales tax and any other way it can, such as land transfer tax; yet when it comes time to paying for the services that are needed within our communities—the Red Cross, the Victorian Order of Nurses, the home care systems—they are late in making their payments.

I have a community house known as Participation House in the town of Markham. They are always two or three months behind in their payments from the province to pay for this 100 per cent cost. They are quick to take the money but they are not quick to invest it back into our local communities. We are talking about a government that is not only irresponsible in the way it collects our money by taking more out of our pockets through personal income tax but irresponsible in the extreme in the way in which it is spending it.

Prior to the September 1987 election, the Premier (Mr Peterson) said he had a solution for car insurance in Ontario. It is now proven that he does not have a solution and that the solution he has presented to reduce rates is costing us far more—several million dollars. Over \$10 million have been spent by this government in order to help arrange for this fantastic program that does not exist from the Premier of Ontario.

I would have to say also, when we talk about education dollars that are being spent, this government has recently approved a lot levy that is going to allow more money to be skimmed off the top for people who are moving into new homes in communities such as mine, and yet it does not begin to handle the cost of new schools. We see this government come along and expand junior kindergarten and kindergarten itself to full-day programs—it has mandated these programs, which will necessitate an increase of 92 teachers for the York Region Board of Education plus 92 more classrooms—but there is no more money from the province to speak off; it is coming from the local tax base.

2150

We are talking about a government that is increasing its taxation level at the municipal level and how many programs it is passing on to the local municipalities, causing local taxes on our properties to increase by a significant rate. In our own community, they increased by over 15 per cent. If they keep on increasing at this rate, people on fixed incomes will not be able to afford to live in their own homes.

We are talking about an environmental crisis, and I believe an environmental catastrophe has replaced nuclear war as our number one menace. What we are talking about here is a government that does not begin to make the investment in environmental concerns that is part and parcel of protecting our environment, our society and our cities for the future in the long term. The way they are going about it is by short-term decisions.

As I speak to the Income Tax Act, I am seeing a government that has lost sight of its priorities. If it is going to take our money, it should spend it where it should spend it, not just fritter it away in areas where we cannot see our health care system protected, our insurance protected, our education protected, our municipalities protected and our environment protected. As I go on, I have other issues I would like to talk about, such as the handicapped, whom I see suffering great hardship.

I have a considerable amount to say on this issue. I happen to know that there are many other members who wish to participate in this debate. I would just like to go on and say that in short, we in Ontario are a very patient and complacent people. If there is anything I like about Canadians, it is the fact that we work well together, we believe in having a good society and fairness for all people; the unfortunate thing is that people, when they only have an election every three or four years, leave the problems to the people they have elected to solve their problems.

Fortunately, they have elected at least a few of us, some 17 Progressive Conservatives, who will stand up and be counted, unlike the 94 Liberals who are just sitting in their seats, speaking eloquently where they do not have to stand up and speak standing up. I guess they are not allowed to stand and speak for themselves and they are not allowed to influence the government in what it is doing.

If I could influence this government, I would say: "Cut your costs. Cut your spending. Reduce those costs. Reduce the overhead of government. Bring it down and serve the people of our province so they can afford to live within their means. Don't come along and start plowing more money into programs that really do not start helping people."

We are seeing that with rent control that has gone from about \$8 million a year to over \$50 million and a huge backlog at the same time. We are talking about the disabled who are not able to get the services they need in the health system. I look around this province, and I am proud of it, except that I know it could be a far better place if

they, as a government, were doing the right things with our money. Here they are coming along again, adding to the cost of living and fuelling inflation.

What are we supposed to do about it? What I will do about it, Mr Speaker, is I will vote against this bill and against every tax bill that this government has brought in from this budget for this Legislature to debate. I will continue to vote against them until this government has the sense to come along and put the money where it should be. I say to them, stop spending so much. Stop fuelling the idea that people can get something for nothing. If they come along and expect the government to do something, it is going to cost them money. It is going to cost them out of their taxes—out of their pocketbooks.

This bill we are talking about right now has to do with their own personal income tax. I am opposed to it. I will fight it. It is just too bad there are not enough Liberals who will stand up and speak their mind, because I am sure many thinking Liberals would agree with me that this government is out of control and it really needs to have a fresh sense of vision and purpose; that is, to live within our means and serve the people of Ontario. They are not doing that now; until they do, I can guarantee you, Mr Speaker, this government will not have my support.

Mr Villeneuve: I want to congratulate my colleague the member for Markham. It is kind of refreshing to hear it called the way it is and not paying lipservice. I come from a riding close to the city of Ottawa, and I was most disenchanted, I guess, whenever on the weekend a federal Liberal member from the Ottawa area decided the government of Canada should not be cutting expenses. That is amazing; it is true Liberal philosophy.

I see the Minister of Education (Mr Conway) looking at me. The member was Mac Harb, quoted on the front page of the *Sunday Citizen*. He said: "We cannot allow this government to stop spending and to reduce the deficit." Very interesting. Typical Liberal philosophy, a philosophy that got us into some very deep trouble at the federal level and is now getting us into some very deep financial problems at the provincial level.

In the last four years we have gone through as good an economic time as we will ever have in this province. We have reduced the annual deficit but we have not wiped out the deficit. The total deficit of this province has been increasing, and whenever we get to a recession, which we are on the verge of, the true Liberal philosophy that is

now being expressed by the federal Liberal members out of Ottawa is coming to roost right here in Ontario.

It is rather annoying because we are mortgaging the future of not only our children but our great-grandchildren. It is a situation that must stop. As we go into a recession the automotive industry is now feeling the brunt; it is the initial wave and it is going to get worse. Agriculture, it is anticipated, will be faced with an almost 40 per cent reduction in net income this coming year. This government is just not providing the leadership it should.

2150

Mr Daigeler: I want to make a few comments on the remarks by the member for Markham. First of all, he is referring to the increase in the rate of provincial income tax over the last few years, but he fails to comment on the main reason for this increase; it is actually, if the members would like to hear this, the decrease in federal transfer grants from his federal cousins.

Mr Cousens: That is a lie. That is not true.

The Deputy Speaker: Order, please.

Mr Daigeler: Secondly, it is a direct reflection of the tax reforms that have been instituted at the federal level. If the member would take that into account, perhaps he would come to a different conclusion.

I would also like to indicate that several times on this bill and on other bills the member has stood up and complained about the increase in taxes. Even this evening we heard him speak a few minutes ago about the high level of taxes in this province. An hour earlier the member stood up as chairman of the Conservative caucus committee on transportation and complained about the lack of new roads and new transportation facilities in the province.

I am struck by the inconsistency in this approach, not to say the two-facedness. I would like to say to the member that he cannot have it both ways; either he wants the health infrastructure, the social services infrastructure, the transportation infrastructure or he does not want it. If he wants it, then we have a responsibility to pay for it and not to put the burden on our children and the children of our children. With this bill that is what we do, and I am pleased to support it.

Hon Mr Ward: Mr Speaker, I wonder if we could have unanimous consent to revert to reports as previously arranged through the House leaders.

The Deputy Speaker: Could we first finish the exchange on this one?

Hon Mr Ward: I am sorry, I did not realize comments were still going.

The Deputy Speaker: Any other comments from members? If not, does the member for Markham wish to respond?

Mr Cousens: First of all, I would like to thank the member for Stormont, Dundas and Glengarry (Mr Villeneuve). I have to thank our own critic for Agriculture and Food for the leadership he has given in pointing to the financial leadership the government should give to our agricultural community and what he gives in his own lifestyle and how he goes about it. I would have to say there is a leadership there that is the kind of thing that really makes me proud of the people who elected this member to represent them.

I would like to say that the member for Nepean has his facts wrong. The federal transfer payments to Ontario were up this year by eight per cent. Is the member not aware of that? How can the member for Nepean stand in this House with any sense of pride and give the kind of statement that he did that does not begin to represent the facts or the truth? The federal government increased the transfer payments to Ontario by eight per cent. He obviously did not know that. That is in excess of the cost of living; it is in excess of inflation.

What the member goes on to say, and I think he fails to say, is that this government, although it has received that kind of increase from the federal government, has not maintained the same increase to the local municipal governments that report through to it. Where has he been? When it came time to start supporting the services in our own local municipalities, they have not done it. I defy him to come along—

The Deputy Speaker: Order, please.

Mr Cousens: I will lower my voice. The honourable member for Nepean upset me. I am sorry.

The parliamentary assistant does not understand that what is good for the goose is good for the gander. As a government, they received that kind of funding from the federal government and have done nothing of the same nature for municipal governments across the province. Where is the member? He had better put his mind in order, because I do not think he understands what is going on within this government or how it is really responding to the needs of our municipalities. I think in the future when he stands up—

The Deputy Speaker: Thank you. The member's time is up.

There has been a request from the government House leader to revert to reports.

Agreed to.

REPORT BY COMMITTEE

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mrs O'Neill from the standing committee on social development presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill 66, Teachers' Pension Act, 1989.

Motion agreed to.

Bill ordered for committee of the whole House.

Mr R. F. Johnston: Mr Speaker, on a point of order: I think the member forgot to mention that the short title of the bill has been changed. It is now known as Sean's bill. I thought I should bring that to her attention.

ORDERS OF THE DAY

INCOME TAX AMENDMENT ACT (continued)

Resuming consideration of the motion for second reading of Bill 60, An Act to amend the Income Tax Act.

Mr Allen: I rise to address Bill 60, which purports to add a further percentage point to the income tax proportion that the provincial government adds to the overall income tax which is administered through the federal government but which it receives for public purposes in Ontario.

What I want to pick up on in a certain perspective is the principal remark of the member for Nickel Belt (Mr Laughren) when he observed that, instead of piggybacking upon the federal income tax system and thereby being subjected to the underlying assumptions and values that animate federal governments and the parties in power in Ottawa, it is time that we in this province imposed upon a home-grown income tax system in Ontario the particular values and social perspectives that are more appropriate to this province.

I would underline the fact that we have not hesitated to do that with regard to a corporate income tax. Therefore, I ask the question, why have we been unwilling to do it with respect to personal income taxes? I raise the question because it strikes me that whenever we begin to

move in on some of these questions that the member for Nickel Belt raised, namely, questions around poverty, distribution of income and so on, we are continually saddled by the incubus of federal perspectives and priorities, which we ought to be ourselves trying to escape.

2200

It is evident, for example, when the report of the Social Assistance Review Committee proposed there should be two major programs in response to the problems of poverty in Ontario, the government immediately had to say, or felt it should say, "We cannot do that unless we embark upon it as a national program involving the federal government." The two programs in question were the children's benefit and the universal illness, accident and disability proposal which SARC proposed to this province.

If one wanted to simplify the question a little bit further, one would have to take up the issue and the challenge that the member for Nickel Belt laid on us this evening and which my leader has laid in the past two days and in previous weeks and months even to this government, that is, to use the income tax system, to use the wealth of this province in such a way as to respond not only dramatically but in such a way as to eliminate the basic fact of poverty in Ontario.

The member for Nickel Belt highlighted some of the astonishing income tax provisions that this province is prepared to indulge in. It is prepared, in fact, not to soak the rich but to soak the poor. We have gained in this last income tax year something like \$80 million from those who made \$10,000 or less a year. Unlike the province of Quebec, we insist on levying an income tax on a family of four that has an income of \$20,000.

If we ask ourselves, who are the accomplices who are sending children of families to food banks, we have to point our fingers across to the opposite benches. The tax system is taking back from families that cannot afford essential subsistence or poverty level existence what those families require as absolute necessities in some cases, and in others, the means to even a modest element of dignity in their lives, which all of us would accept and expect for our families and would not accept anything less.

There are accomplices and the accomplices are right in this House. They are those who manufacture the income tax system in this province but who will not even seek enough liberty for themselves to manufacture a home-grown tax system. They are not prepared to be brave enough or courageous enough to break free and establish our own Ontario income tax system

so that we could really provide the perspectives and the values, plug the loopholes, get on with a tax system that is equitable and fair in this province.

I want to suggest that the question in responding to the problem of food banks is not a question of where the money is going to come from. If my friends have any doubts as to whether there is wealth in this province, I suggest they pick up a couple of recent publications that came to all of our doors, or most of them. I must say they embarrassed me.

For the third year in a row, the *Globe and Mail* has published the best-of-Toronto Christmas collection. Of all things, the irony and the scandal of publishing as a Christmas publication, with the word "Christ" in it, a whole book of advertisements—beautiful glossies; thick, heavy paper impossible to recycle.

Fountain pens? There are people out there who are prepared to buy them at \$640 a shot. Carpets? Apparently there are people out there who buy them at \$140,000 for 14 feet 7 inches by 11 feet in dimension. Not for your whole house, just for one small room. My goodness. And to wash yourself in, a handy, tiny bathroom basin for \$2,500.

Lamps? Do you want a cheap lamp? Well, here is one: urn shaped, lead cut crystal with nickel base—\$5 short of 1,000 smackers. And you can go on.

The same magazine published in the recent Toronto *Globe and Mail* edition—it is obvious whom the *Globe* is catering to these days. Surely, some modest-income families subscribe to the *Globe*. I would hope so, because there is darn good reporting in the *Globe*. Yet, those families are receiving these kinds of publications. What a scandal. What a moral affront. It really is.

There are pages in this that tell us the kind of gifts that Mr Wilson is prepared to sanction, by giving his picture to the front cover, and the front cover story relates to this neat little midsection which tells you, "Christmas gifts for the characters on your list." Boy, there is some expensive stuff in here. The members have all seen it; they mostly subscribe to the *Globe*. Were they not shocked?

Then, there is a recent story that tells us about the miracle of Queen Street. Christmas is a great time for miracles. We like to incorporate the sense of the miraculous into Christmas. Many of our traditions borrow on the miraculous in order to give a heightened sense of reality, purpose and value to the things that are important in our lives. But what is the miracle of Queen Street?

The miracle of Queen Street is the transformation of Simpsons department store into a store for the rich of world-class proportions. And what does the story tell us? It tells us, according to George Kosich, who is a president of Simpsons parent company, "We are going to take Simpsons into the better market."

What is the better market? The better market is the upper class of the superrich in Toronto that has developed that is corrupting the very value system and morality of this province by its excessive wealth, its conspicuous consumption, its distortion of the distribution expenditure of wealth and its investment in this province. Our income tax system ought to be attacking that corruption in our midst that is brought here by the superwealthy.

"We have the finest fashion floor in North America," boasted Paul Walters, until recently, the president of Simpsons, who is now running Zellers and the man who saw to it that Simpsons had the best fashion floor in North America. This store is being compared to the highest of high fashion stores in Japan, New York and Europe. Those are symptoms of what is going on in our midst.

When the member for Nickel Belt proposes a tax on real wealth, then I suggest that this government, if it is true even to the basic values of liberalism—and I have to remind the members, liberalism in this province, at least in the past century, arose among some pretty humble people. If this government is going to be true to any of those values—and I hope they still persist across there. Sometimes I see the flame flickering, as though it were about to go out. But if it is true to that flame and trying to keep it alive, surely it will devise an income tax system that goes after real wealth in a real way.

Because, if there is one thing that is coming clear, according to the analyses of our distribution of wealth in this province, according to the Organization for Economic Co-Operation and Development analysis, it is that we are becoming one of the most polarized societies in terms of real wealth of any country in the western world. If we do not get a handle on that in our tax system and if we do not reorder the priorities of our life by means of the powers that government has to make certain that there is only a certain margin of fluctuation between normal means that provide adequate sustenance for life and the indulgence in luxury, then we are going to suffer the worst social cancers and disorders and difficulties down the road that certainly have afflicted any of our partners in the western world.

2210

If I want to come back to the tax on wealth that we have proposed, which if one applied it in the same measure to which it has been applied in western European countries, 0.2 per cent of the gross provincial product, we would earn about \$500 million out of that, as our finance critic pointed out. What would that do immediately for us and what would it do immediately in the direction of an attack upon food banks, to be more particular, in Ontario?

It would mean that instead of having to poach on the Social Assistance Review Committee report's \$415-million first phase—by building in such things as \$30 million for two years of inflation costs, which should be written off against that amount and ought not to be considered within it, \$125 million in terms of an inflation level increase that is supposed to be coming in January, not to increase the capacity of those who are poor to deal with their poverty but just to keep them barely at the same level that they were the previous year prior to the inflation level—we would be able, from that \$500 million, immediately to do the entire first stage of the SARC report, lift all those benefit levels, almost double what they were on average, to what the minister was able to do.

And we would still have about \$350 million left over to do what? To provide \$255 million for the second stage immediately, without waiting, and even have some money left over, which we could then direct at some of the crash and urgent food programs that need to be engaged in over this next while in order to feed the poor kids in this city and other cities around this province.

When my leader this afternoon asked the Minister of Health (Mrs Caplan), was she going to transfer some resources in order to meet the biggest health problem that we have in this province, namely poverty and the hunger of poor kids, whose bones are just being formed, whose bodies are just being developed, whose mentalities are being shaped, whose minds are being fashioned, the only response she could give was to talk about treatment in some fashion, as though somehow looking after the health in a sickness society fashion. Treatment was the answer. It is not treatment that is needed; it is an address at the fundamental fact of poverty. The poor kids are hungry and money is needed, not tomorrow, now.

The medical officer of health, on 14 December, sent an SOS to this government, "The state of hunger of children in Toronto is an SOS, it is an emergency, it has to be met immediately, we

cannot tolerate it any longer." The food banks tell us that even the amount that has been spent on the SARC report will only touch, at the most, 20 per cent of the clients of the food bank system; 80 will still be there, which means 80 per cent of the 45 per cent of that number who are kids will still be there at the end of the year.

The government has proposed to take away the emergency shelter assistance program, which will cut marginally into the support of food banks, before one even tested the water as to whether the SARC reforms were even going to touch the food bank problem. This is a question that cannot wait. This is a question that urgently needs the Treasurer (Mr R. F. Nixon) to lay his hands on resources that are available in this province to meet the hunger of children.

What I say to the members is, that is going to require all the imagination of a Treasurer and a cabinet and a government and all the members of this House over the next year if we are going to beat that problem, because no one, I am sure, in his right mind will deny that it is arguably the most important single question facing this province at this time.

If we are not going to gear our income tax system to finding the wealth where the wealth is and deploying that money where the need is, then let's say we are not going to do that. Let's be honest about it. Let's say a certain percentage of poverty is a good thing. Let's tell the poor that they have a right to be poor. In fact, they may even have an obligation to be poor, because certainly we are not going to get all of them out of their misery. "So live with it, friends."

Surely we do not want to send that message. Surely what we want to say is that we have massive resources at the disposal of this government, and this government, if it sets its mind to it, can eliminate poverty in relatively short order. The problem is the will. The problem is facing up to a little bit of the reaction it might get in a few quarters which it now counts as friendly and which may become a little bit unfriendly in the process.

Surely anyone who thinks about it for a few minutes has to really sort out—in particular, perhaps, at this season of the year—what his commitments are with regard to the people of this province. Will any member in this House stand up and say that his commitment is not to seeing the hunger of poor kids is ended this year? Is any member of the House prepared to stand up and argue the contrary proposition? I do not expect any member of this House would do so.

All that I say to us as a collective entity is, unless we are prepared to stand up and say the contrary, then we must take our commitments in hand and do what we need to do with respect to the emergency programs that are necessary, the funding that is necessary for them and the income tax system that will support in an equitable and fair way the maintenance of what I think one has to call a democracy in Ontario. Because let's be quite clear: If the continual division of wealth in this province continues as it is going, if more and more poverty develops, as it has been, in spite even of prosperity in much of the population, and if, on the other hand, the kind of accumulation of wealth that this stuff represents and the articles in the paper on the miracles of Queen Street represent, then democracy in any proper meaning of the term, which means a real value attributed to each citizen and his capacities and his abilities to participate in the social process and in the political process, will be dramatically eroded in this province.

I ask us to think about that very seriously, because I do not think it is a future that any of us wants. Yet it is one that we might inadvertently build just simply by neglecting to do today what should be done today and what needs to be done tonight with respect to income tax amendments. So I want to echo in my own way what the member for Nickel Belt said as our finance critic and to put it to this government that it ought to be doing something other than endorsing consumption taxation à la Mr Wilson. It ought to be doing more than piggybacking on federal income tax priorities and structures. It ought to be developing a made-in-Ontario income tax system with fairness at its base and with equity for all as its purpose and with the elimination of poverty as its urgent necessity.

2220

Mr Villeneuve: I also want to spend a few moments debating Bill 60, a bill that will implement a proposal contained in the budget of the Treasurer on 17 May 1989 to increase the rate of personal income tax to 53 per cent of the federal income tax for 1990 and subsequent taxation years.

That is just another of many tax grabs that have occurred since this government took over in June 1985. Taxes have gone up by more than 10 per cent every year of this government's mandate. The total take for this government when it took office in 1985 was some \$28 billion; that is not that long ago. We are now faced with a total take, including federal transfers and taxes paid by

Ontario residents, of almost \$42 billion, an increase of some \$14 billion in some four years.

I am going to reflect to some degree on where some of this money is not going. There has been a tremendous tax grab from Ontario residents by this government over the last four years. They have dug deep down into the pockets of our residents and have done it in such a way that they have attempted to make Ontarians feel good about doubling the taxes they pay, at the same time attacking any attempt by the federal government to try to control spending, and as I referred to earlier, to try to reduce spending and reduce the deficit—true liberalism.

We will start with the employer health tax. It is amazing that the Premier or his Minister of Health or his Minister of Revenue (Mr Mancini) has never admitted publicly that there is double taxation.

Mr Carrothers: Because there isn't.

Mr Villeneuve: The member says there is not. It is interesting to note that some \$435 million will have been collected for October, November and December for premium payments for OHIP for January, February, March and April—\$435 million—and yet on the first day of January the employers start to remit based on up to 1.95 per cent of their payroll.

Mr Carrothers: It's an accountant's argument.

Mr Villeneuve: The member says that it is an accountant's argument. The dollars are going to the government. It is pure, straight, unadulterated double taxation. An accountant's nightmare? I am not an accountant. I happen to come from a rural part of Ontario and I think I understand taxes. I understand that they have had a windfall of some \$435 million. The member says it is an accountant's problem. It may be. Still, the Ontario taxpayer is paying double. It does not matter how you look at it and how you cut it. That is the way it is.

I come from the part of Ontario that is agricultural and rural. The same government, with its former Minister of Agriculture and Food and its present Minister of Agriculture and Food (Mr Ramsay), has paid lipservice to Ontario's agriculture, and no more, pure and simple lipservice. I have an answer here to a question in Orders and Notices. It is signed by the minister and has to be pretty accurate.

The ministry's budget for 1988-89, as estimated and budgeted: \$579 million. The actual expenditures: \$522 million. Some \$56 million, almost \$57 million that was earmarked, budgeted, for Ontario's agricultural community was

never spent. Indeed, \$51,694 million was not transferred from the Ministry of Agriculture and Food to Ontario's farmers in the last fiscal year. That is from the same government that has wooed and tried to woo farmers and is trying to make them believe that they are the be-all and end-all to agriculture and to the people who are involved in farming in this province.

We have just had the outlook conference at the federal level and we have had some pretty dire predictions, predictions of a reduction in net farm income across Canada to our agricultural community of almost 40 per cent. That is a severe reduction in net income. No other sector, bar none, in our economy is facing that type of reduction in net income. Yet this government and its Ministry of Agriculture and Food has seen fit to reduce the budget by more than 12 per cent, a budget it had earmarked and intended for agriculture, which stayed with the consolidated revenue of Ontario and never got spent on agriculture. It went elsewhere of course. It never went where it was supposed to.

It is rather sad that our Liberal colleagues are not participating, but I am quite sure they would like me to refer to a few things the Provincial Auditor brought forth in his 1989 annual report. I know all members of this Legislature are familiar with the auditor. The auditor is the watchdog of the public dollar and reports to this Legislature on value for money. I am privileged because I happen to be a member of the standing committee on public accounts and have seen at first hand some of the darker sides of the way this government spends.

I will quote a few of the statements made by the auditor. For instance, consulting services: I will just go at random; it does not really matter, "We were concerned that in some instances ministries were merely going through the motions of competitive tendering."

That is deceitful and it is a situation where when you say "being deceitful" you are being kind; you could use other words. That is one of the statements by the Provincial Auditor, "...going through the motions of competitive tendering."

We have some other statements by the Provincial Auditor and I will just touch on a few of them. "Government ministers and employees often spend too much money on travel, renting full-size luxury cars and staying in expensive hotels." Well, a little bit of that, but not when it goes on consistently at the peril of Ontario's taxpayers and against the rules.

"District courtrooms are in use about half the time, even though some 14,800 cases are waiting to go to trial." We need some streamlining there of course.

"Fishery staff lost \$1 million by not enforcing fishing licences and inspectors are often, on weekends and holidays when violations are likely to occur, not there."

I could go on. I know many of our members here are well aware. We have to remind the members here of where the dollars are not going and of where they are going that they should not be going.

The auditor's report gave this government a 70 per cent.

Mr Carrothers: Better than under the Tories.

Mr Villeneuve: The member over there seems to think that is a great mark. I look at it in this way: \$42 billion is the money that is spent by this government, and 30 per cent of that according to the Provincial Auditor is money that is not being well spent or accounted for. That is a lot of money, over \$12 billion a year of money that is not spent where value for dollar spent is, according to the auditor, well intended.

The Provincial Auditor was probably kind in some of the statements that he made. I see my colleague the member for Cornwall (Mr Cleary) is here this evening. We both attended the inauguration of a new warden in Stormont-Dundas-Glengarry yesterday, a man who has been in municipal politics for a number of years. His name is Claude Cousineau. He is the reeve of Winchester township and he replaces Stewart Hart, who was the warden for the entire year last year.

2230

I found it most interesting that the federal Liberal Party saw fit to visit the city of Cornwall and found tremendous funds lacking in expenditures towards municipal infrastructure, to the point where they recommended strongly that because of the lack of funding by this provincial government, the federal government should be involved in assisting, believe it or not. There is a clear message to this government from its federal Liberal colleagues that the job it is doing is far from adequate.

The previous government in Ontario—we have been told time and time again it was for 42 years. For 42 years the previous government built this infrastructure, built the roads, the class 1 provincial highways, the four-lane roads. This government cannot even maintain them let alone build some more, and it has had a 50 per cent increase in revenue over the last four years. That

is the kind of government we now have here in Ontario.

I will tell members where the money was not going. I was elected in a by-election just six short years ago, in 1983. I recall the evening well, 15 December. One of the big issues for my Liberal opponent at that time—I reminded him of it yesterday during the inauguration of the warden—was the transfer payments, the unconditional grants to municipalities that year. That was one of the big issues in that by-election, a two and a half per cent increase over the previous year.

Interjection.

Mr Villeneuve: Yes, Bill 60, Mr Speaker. We are talking about money. It is provincial; I realize that. I realize your concern and I am glad you reminded me. It all reports back to Bill 60 of course, because where the province takes in money, then it has to reallocate.

The big issue was that the provincial government of the day, the Tory government, had only increased by two and a half per cent the unconditional grants to municipalities. Mr Speaker, would you happen to know what the increase to municipalities was last year? In case you may not recall offhand, it was zero, absolutely nothing, flat-lined.

I reminded my friend the Liberal candidate of the time and he said, "That is not enough either." We know that is not enough either, and we got four per cent. Would members that this government saw fit to announce recently that it would be increasing by slightly more than four per cent unconditional grants and transfers to the municipalities next year? But when we take the two years together, it is something like two per cent a year, and this is in good times, times when the federal transfer payments to this government increased by a full eight per cent.

Inflation is somewhere between four per cent and five per cent. This government, to municipalities, to school boards, to agriculture—I could name a number of others, but those are for sure the ones that suffered real decreases in the amount of dollars they had for maintenance and operation. When those dollars were not forthcoming from the provincial level, the municipalities and the school boards, in order to simply exist, had to increase municipal taxes by somewhere between 12 per cent and 20 per cent, and in some instances more than 20 per cent.

The taxpayers are not only being asked to support more at the provincial level, and going to 53 per cent of the federal income tax, but they have been asked to pay such things as an increase

of one per cent in the sales tax, a tire tax and lot levies. We could go on and on.

Over the last four years it has been more than a 10 per cent a year increase, consistently and rising. When you compound that, you have over four years a 50 per cent increase in the amount of money this government has gone after to its residents, to its taxpayers, as increases to its coffers, which it has spent and probably will continue to spend to some degree in a way that is not even very acceptable to our Provincial Auditor.

I have great concern over the future and the direction that this government appears to be leading the province with the best economic record in the entire country, the province that I am certainly very proud to be a resident of and very proud to be an elected member of this Legislature, except I have some difficulty in trying to explain to my constituents where these dollars are going. As I mentioned before, in the last four years we have had an increase of \$14 billion of moneys coming into the coffers, yet municipalities, school boards and agriculture have not seen their just share, leave alone other sectors of the economy.

In wrapping up, I am very concerned. We are increasing again in Bill 60 another tax grab. Probably within the next year we will see our Premier (Mr Peterson) decide that maybe he should go to the public for a new mandate, and sometimes you wonder why. How frustrating, as you must know it is, Mr Speaker, to sit in this Legislature and have a large majority government simply steamroller and sometimes turn into somewhat of a joke legislation which it brings forth. We can debate until we are blue in the face but when the bell tolls, the Liberal members stand up and simply overwhelm the opposition.

I want to touch on another item which was brought to my attention. Two weeks ago I attended the annual meeting of the Ontario Federation of Agriculture. I understand that the Liberal members, the rural members, the rural caucus members, had a get-together for farmers, as we did in our caucus. Some 300-plus people came through our hospitality suite that night, and I made it a point to speak to most of them. I met a number of farmers who came from Liberal-held ridings. As a matter of fact, some of them were on the executive of elected Liberal MPPs right here in this chamber. They wanted to go to the Liberal rural caucus room to speak to people like the Treasurer for what he did to farm tax rebates, to the Ontario family farm interest rate reduction program.

Bill 60 is going to bring in more money, yet less of it will be going to these people. If Bill 60 and the increase of one per cent was to contribute to some degree to assist our rural communities, then maybe we could support it, but Bill 60 says simply, "There will be another one per cent, but don't be looking—municipalities, school boards or agriculture—for more money, because we have kind of set our track record now. We have our priorities right. We like big-spending ministries but basically spend it on those things that get you re-elected."

Some of these were very strong, committed Liberal supporters. I say "were" and I put the emphasis on "were" because they wanted to speak to the Minister of Agriculture and Food (Mr Ramsay), they wanted to speak to the Treasurer, they even would have liked to speak with the Premier and explain to these people that agriculture is really getting the short end of the stick. As a matter of fact, the stick has gone. There is nothing left for them. The interest rebate payments are gone, the means test for the farm tax rebate, and I think there is a message there that in the future the means test will be the way this government wants to go. In other words, we are encouraging people to be mediocre. We are not encouraging successful people; to some degree we are encouraging mediocrity.

In conclusion, this government had better change its tune and its method of thinking because rural Ontario will not accept the type of lipservice and noncommitment that this government is becoming well known for. Lipservice will no longer carry the day. We are looking for real help and real support. Bill 60 will bring in, again, more money to the coffers of this government, but will it be going to the right place? I am afraid it may not.

Mr Speaker, I thank you for the opportunity of participating in this debate.

The Acting Speaker: I thank the honourable member for the opportunity that I had of listening to the debate and his comments.

2240

Mr Cousens: The honourable member for Stormont, Dundas and Glengarry has a tremendous insight to the agricultural community. Are there any specific programs that he would see this government implement on a very short-order basis to begin to strengthen our agricultural community?

I happen to feel that there is not that emphasis of looking after our farmers. I have heard him many times in caucus on it. Maybe he could just briefly indicate the weakness of some of the

programs that exist now or he could touch on some of the things that he would do, as Minister of Agriculture and Food, for our party when we take government.

Mr Villeneuve: I really appreciate the comments from my colleague the member for Markham. I have visited Markham, and he does have some farmers in Markham—not many, but he does have some.

I am a little disappointed that only one of the parliamentary assistants for the Minister of Agriculture and Food is here and, of course, one of the past presidents of the Ontario Federation of Agriculture, the member for Lincoln (Mr Pelissero), is here and would quite obviously rather not participate. That is fine.

The Ontario family farm interest rate reduction program must return. We must have a family farm program to protect exactly that—the family farm—and it is very important that these Liberal members understand. The farm tax rebate must not be subject to a means test and the federation of agriculture presented a plan. I am replying—

The Acting Speaker: To what?

Mr Villeneuve: Bill 60, which will bring in more money. But the federation of agriculture presented a plan that would have reduced to 90 per cent the farm tax rebate without a means test and the government said no. I had a private member's motion and was totally turned down by this government because I simply suggested that this government had failed farmers in not providing leadership, having a dismal record of co-operation with the federal government and not adhering to its own report on free trade where it said \$95 million would be lost by Ontario agriculture with the implementation of free trade. What did it do? It lowered the support for agriculture by \$57 million the same year that the report said agriculture would suffer a loss of \$95 million if free trade came in.

Some positives; some negatives. Some of the things that came in under free trade we do not like, but GATT is where it is all at, and this is where this government has to recognize that we need support for the basic industry of this province.

Mrs Cunningham: I am pleased to stand up in this House and denounce Bill 60. When the Liberals took office in 1985 the Ontario personal income tax was 48 per cent of the federal base rate; it is now moving to 53 per cent—another example of the significant tax grab by this Ontario government over the years.

The London Free Press of 18 May 1989 spoke very clearly in an editorial when it said:

"Even with a booming economy generating high tax revenues, Ontario Treasurer Robert Nixon has still not managed to come up with a balanced budget. It's a failure of responsibility that could come back to haunt the province in the next recession.... His chronic lack of spending restraint has resulted in yet another substantial tax grab that will eventually filter down and hurt low income earners the most."

If we are thinking about the quality of life in this province, low-income earners are the people who contribute significantly to our economy. They are the people we encourage and work hard to keep in our workforce, and they are the kinds of people who are hurting the most with this kind of tax grab.

To prosper in this changed economic order requires that advanced economies like Ontario's become more productive and that they fully exploit technology and technological diffusion in order to offset the low-wage cost advantage of newly industrialized countries, that they develop and maintain flexible and skilled labour pools and that they pursue policies which encourage innovation and creative and productive investment. We want people to invest in Ontario. We want them to live here and stay living here.

I am personally convinced that our future prosperity and our ability to successfully manage and exploit the opportunities of the next decade as we move into the 1990s depends on a constructive and positive partnership between the public and private sectors in this province. Today we talked about a commercial concentration tax. Imagine, we are wanting to foster positive relationships with the public, with municipalities and with the private sector.

Tonight we talked about an OHIP tax. That does not foster positive partnerships with the public that we serve. Regrettably, that partnership does not exist today in the way we would like it to because this Liberal government does not appear to appreciate the difference between constructive participation and destructive interference in its dealings with the private sector. I believe this is clearly demonstrated in a number of areas of public policy, and tonight is a clear indication of one of them, another tax policy.

It is imperative that we maintain a competitive tax system in order to attract investment to create jobs and to encourage growth. In Ontario we seem to be set on a tax policy which will repel investment, destroy jobs and discourage growth.

Since this current Liberal government took office in 1985, it has imposed no fewer than 32 tax and levy increases on Ontario consumers and

businesses—32 since 1985. Every major tax has been increased at least once, and new taxes have been created.

I heard a Liberal member this evening talk about the public wanting improved infrastructure; they wanted new roads, more schools and better health care. All the members have to do is go out into the community they live in now, or spend a day a week in their constituency office, and the people will tell them what they feel about the roads, about the highway congestion, about passing big trucks, about sending their students and young people to school in portables and about their friends, neighbours and family members who are on waiting lists to get health care services.

It is just fine for the Liberals to stand up and say, "We have to have more money to provide services." What services? As a consequence the tax revenues, because of the tax grabs by this government, have increased by more than 100 per cent since 1985. The tax revenues by this government since 1985 have increased by over 100 per cent.

I expect all of my colleagues, and I know all of my colleagues, are advising the public of the dangers in this kind of planning, in this kind of lack of planning and this kind of no vision for the future. There is a danger and the public must be warned.

In the current fiscal year the government will collect \$15.2 billion more in taxes than it did a mere five years ago. In per capita terms, the reality is this: In 1984-85 the Ontario citizen's share of the total provincial tax bill per capita was \$1,687. How could the government possibly go out and tell the public what it is paying now? This year the per capita tax share of an Ontario citizen is \$3,147, an increase of 86.5 per cent this year, and this increase in the Ontario income tax base to 53 per cent is contributing to that kind of grab that costs the little guy practically the ability to buy clothing and food for his children—those who are still working.

2250

This government has used a series of massive tax grabs to fund a spending spree which has driven provincial program expenditures up at an average annual rate of 10.2 per cent over the 1985 to 1989 period, a rate of increase greater than in any other Canadian jurisdiction. How does that compare with the other parts of the jurisdiction that we are all part of? Ottawa's spending average over five years is 3.5 per cent.

There is no way. If the government were to try today to change things, it would take it two years

to get things back into shape. At least we should not be spending beyond inflation and beyond productivity, beyond the average taxpayer's ability to pay taxes—10.2 per cent in Ontario, average; Ottawa, 3.5 per cent.

Do members know what the provincial average is in Canada? It is 6.5 per cent.

We should be ashamed. In this booming economy where the rest of Canada relies on Ontario because of our wonderful resources and people who are still committed to being good citizens, we are spending 10.2 per cent, the provinces 6.5 per cent and the federal government 3.5 per cent, average, over five years. When they consider these numbers, the members will appreciate why we have been saying that the government of Ontario has been the primary beneficiary of the province's economic boom.

It is not only the amount of tax but the type of taxation imposed by this government that is so disturbing. The imposition of a health payroll tax on Ontario employers to replace OHIP that we talked about this evening is an example of the destructive tax policy which will clearly impair job creation, discourage expansion and do nothing to enhance our competitive position.

The situation in Ontario has become so bad that it is now standard for the government of Quebec to boast in its annual budget that the business tax gap between the two provinces is constantly shrinking. Imagine, in this year's budget the Quebec government was pleased to report that the business tax gap between the two provinces, which had stood at 9.6 per cent in 1985, had dwindled to 1.8 per cent in 1989. We should be ashamed of ourselves.

It is hard to stand up in this House and speak to yet another tax, a tax that does nothing to help our young people have confidence in the future economic policy of this province, in the future of this province's ability to contribute to the economy of our own province and country. I do not see the kind of confidence in this government that I would hope our young people would have; they are discouraged.

More important, the business community is discouraged. The head of the Canadian Federation of Independent Business described this government as the most antibusiness government he has dealt with in over 20 years.

It is not, I suppose, a fulfilling way to spend one's time in this House to have to come a couple of days before Christmas and be speaking to the lack of fiscal restraint and fiscal responsibility of this government, so I only wanted to put on the record the kinds of facts that we should be very

concerned about as we continue to try to support a government without a vision or, I should say, some responsibility for fiscal policies in the province. I should think that this would be the last time we would have to stand up and speak to yet another tax bill in this House. I would encourage all the citizens of Ontario to go to their individual members and tell them how concerned they are about a government that does not balance its budget, that has spent 10.2 per cent over the last five years and that is noted for its total lack of concern for the small-income earner in Ontario. Thank you for this opportunity, Mr Speaker.

The Acting Speaker: I would like to thank the member for London North for her comments on second reading of Bill 60, An Act to amend the Income Tax Act.

Mr Daigeler: I understand that this is the wrapup.

Mr Cousens: That is the tradition around here. If anyone can wreck it, it is you right now.

Interjections.

Mr Daigeler: Seeing that my colleagues are so keen to listen to my words of wisdom, I will try to be as succinct as possible, because, quite frankly, being a new member in this House, I must admit I have not yet quite learned the almost eerie ability of the member for Markham to pick two or perhaps at most three ideas and to weave them into a speech of some 30, 40, 50 minutes without even catching a breath in between his statements. That is one ability that I am still trying to learn and I think the member for Markham, if he has any attribute, that is one that perhaps I can look forward to still.

In what the member has referred to, he does not seem to want to acknowledge that his federal colleagues are costing the provincial government this year alone \$560 million that we have to make up out of our own provincial income.

With regard to the member for Nickel Belt and his effort to introduce a totally new tax system, I would like to indicate to him that we are always interested in his comments. Perhaps his party would like to set up a task force on the revision of the tax system; we are always glad to listen. However, tonight we are looking at a one per cent increase, a very limited bill, Bill 60, that puts a one per cent increase to the Income Tax Act in Ontario. In that context, I do not think it is the place to revise our total income tax system and our total taxation system.

To the member for Hamilton West (Mr Allen), who I think at this Christmastime has spoken, I

would say, quite eloquently, possibly even theologically or philosophically about our need to look after the needs of the poor, I think he makes some very valid points, but I would indicate to him that the previous Minister of Community and Social Services this year alone has already addressed \$400 million to the SARC reforms to a very important concern that the minister has raised.

Finally, in conclusion, perhaps the member for Nickel Belt did not hear my introductory remarks where I indicated to him that through measures associated with this bill another 50,000 people in Ontario will in fact benefit from not having to pay any Ontario income tax at all. Perhaps he missed that at the beginning. For his benefit, I am repeating it, and there will be now 365,000 low-income individuals who are liable for basic federal personal income tax but who will no longer pay Ontario personal income tax under the provisions of this initiative.

The Acting Speaker: Mr Daigeler, in the absence of Mr Mancini, has moved second reading of Bill 60, An Act to amend the Income Tax Act. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those against will please say "nay."

Interjections.

The Acting Speaker: No, I think the ayes have it.

Interjections.

The Acting Speaker: Are we calling in the members?

Hon Mr Ward: By prior agreement, the vote will take place following routine proceedings tomorrow.

The Acting Speaker: That is wonderful news. Agreed? Unanimous consent?

Vote stacked.

DISCHARGE OF BILL 66

Hon Mr Ward: Before calling the orders of the day, I would like to seek unanimous consent that the order for committee of the whole House on Bill 66 be discharged and the bill ordered for third reading.

The Acting Speaker: The honourable House leader has asked unanimous consent that Bill 66 be moved into third reading. Agreed?

Agreed to.

Hon Mr Ward: Given the season, I would suggest that we adjourn until tomorrow.

The Acting Speaker: This House stands adjourned until 10 of the clock tomorrow morning.

The House adjourned at 2302.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Oriole L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaître, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrondola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Tuesday 19 December 1989

Members' statements			
Legislative pages	4999	Child poverty	5008
Mr Kormos		Mr B. Rae	
Community information centres	4999	Mrs Caplan	
Mr McCague		Electricity demand and supply	5009
Kawartha Skills Development Com-		Mr Brandt	
mittee	4999	Mrs McLeod	
Mr Adams		Mr Cureatz	
Education financing	5000	Land use permit	5011
Miss Martel		Mr Wildman	
Fuels safety	5000	Mrs McLeod	
Mr Pollock		Employer health levy	5011
Champions of Halton North	5000	Mr Pope	
Mr Elliot		Mr R. F. Nixon	
Education financing	5001	Downsview Rehabilitation Centre ...	5012
Mr R. F. Johnston		Mr Polsinelli	
Academic streaming	5001	Mr Phillips	
Allan Fisher	5001	Pay equity	5013
Mr Owen		Mr Mackenzie	
		Mr Phillips	
		Nontraditional occupations	5014
		Mr Jackson	
		Mr Conway	
		Red Meat II	5015
		Miss Roberts	
		Mr Ramsay	
Statements by the ministry		Sale of liquor	5015
Electricity demand and supply	5003	Mr Hampton	
Mrs McLeod		Mr Sorbara	
Access fund	5003	Plastics recycling	5016
Ms Collins		Mr Sterling	
Parental leave	5004	Mr Bradley	
Mr Phillips		Province of Ontario land registration	
		and information system	5016
		Mr Campbell	
		Mr Sorbara	
		Contaminated soil	5017
		Mrs Grier	
		Mr Sweeney	
		Motion	
Responses		House sitting	5018
Electricity demand and supply	5005	Mr Ward	
Mr Charlton		Agreed to	5018
Access fund	5005		
Mr Allen		Petitions	
Electricity demand and supply	5005	Naturopathy	5018
Mr Cureatz		Ms Bryden	
Access fund	5006		
Mrs Marland			
Oral questions			
Electricity demand and supply	5006		
Mr B. Rae			
Mr Peterson			

French-language services	5018	Statutes Revision Act, 1989, Bill 74 . .	5033
Mr Matrundola		Mr McCague	5034
Automobile insurance	5018	Agreed to	5034
Mr Adams		Regulations Revision Act, 1989, Bill 75	5034
French-language services	5019	Agreed to	5034
Mr MacDonald		Unclaimed Intangible Property Act,	
Report by committee		1989, Bill 86	5034
Standing committee on administration		Agreed to	5034
of justice	5019	Municipal Statute Law Amendment	
Mr Chiarelli		Act, 1989, Bill 90	5034
Agreed to	5019	Agreed to	5034
First reading		Highway Traffic Amendment Act,	
Building Code Act, 1989, Bill 103 . .	5019	1989, Bill 95	5034
Mr Sweeney		Agreed to	5034
Agreed to	5019	Ministry of Transportation and Com-	
Third readings		munications Creditors Payment	
District Municipality of Muskoka		Repeal Act, 1989, Bill 101	5034
Statute Law Amendment Act, 1989,		Agreed to	5034
Bill 34	5019	Construction Lien Amendment Act,	
Agreed to	5019	1989, Bill 102	5034
Commercial Concentration Tax Act,		Agreed to	5034
1989, Bill 46	5019	Ontario Lottery Corporation Amend-	
Ms Bryden	5019	ment Act, 1989, Bill 119	5034
Mr Cousens	5020	Ms Bryden	5034
Mr Daigeler	5021	Mr Faubert	5035
Mrs Marland	5021	Mrs Cunningham	5036
Mr Jackson	5021	Mr McLean	5037
Mr Runciman	5023	Mr Reycraft	5038
Vote deferred	5025	Vote deferred	5039
Employer Health Tax Act, 1989,		Concurrence in supply	
Bill 47	5025	Ministry of the Environment	5039
Ms Bryden	5025	Mrs Grier	5039
Mrs Cunningham	5028	Mrs Marland	5039
Mr Pope	5029	Mr Harris	5040
Mr Daigeler	5031	Concurred in	5040
Vote deferred	5032	Third readings	
Land Transfer Tax Amendment Act,		Legislative Assembly Amendment Act,	
1989, Bill 48	5032	1989, Bill 91	5040
Ms Bryden	5032	Agreed to	5040
Agreed to	5033	Executive Council Amendment Act,	
Municipality of Metropolitan Toronto		1989, Bill 94	5040
Amendment Act, 1989, Bill 53	5033	Agreed to	5041
Agreed to	5033	Commercial Concentration Tax Act,	
Courts of Justice Amendment Act,		1989, Bill 46	5041
1989, Bill 62	5033	Agreed to	5041
Agreed to	5033	Employer Health Tax Act, 1989,	
Notaries Amendment Act, 1989, Bill 63	5033	Bill 47	5041
Mr Reville	5033	Agreed to	5041
Agreed to	5033		

Ontario Lottery Corporation Amendment Act, 1989, Bill 119	5041	Report by committee	
Agreed to	5041	Standing committee on social development	5062
Royal assent		Mrs O'Neill	
His Honour the Administrator	5041	Agreed to	5062
Concurrence in supply		Second reading	
Ministry of Municipal Affairs	5043	Income Tax Amendment Act, 1989,	
Concurred in	5043	Bill 60	5062
Ministry of Transportation	5043	Mr Allen	5062
Mr Laughren	5043	Mr Villeneuve	5065
Mr Cousens	5043	Mr Cousens	5068
Mr Harris	5045	Mrs Cunningham	5068
Concurred in	5048	Mr Daigeler	5070
Office for Disabled Persons	5048	Vote deferred	5071
Mr Laughren	5048		
Mr J. M. Johnson	5048	Other business	
Mr Allen	5049	Events in Romania	5002
Concurred in	5050	Mr Kormos	
Office for Senior Citizens' Affairs ...	5050	Mrs Marland	
Mr J. M. Johnson	5050	Mr Velshi	
Mr D. S. Cooke	5051	Recess	5042
Concurred in	5051	Discharge of Bill 66	5071
Second reading		Mr Ward	
Income Tax Amendment Act, 1989,		Adjournment	5071
Bill 60	5051	Alphabetical list of members	5072
Mr Daigeler	5051		
Mr Laughren	5052		
Mr Cousens	5052		
Mr Villeneuve	5060		
Vote deferred	5062		

TABLE DES MATIÈRES

Le mardi 19 décembre 1989

Troisième lecture		Loi de 1989 sur la refonte des règlements, projet de loi 75	5034
Loi de 1989 sur les droits de cession immobilière, projet de loi 48	5032	Adoption du projet de loi en troisième lecture	5034
M. Pope	5033		
M. Daigeler	5033		
Loi de 1989 sur la refonte des lois, projet de loi 74	5033		
Adoption du projet de loi en troisième lecture	5034		



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Second Session, 34th Parliament
Wednesday 20 December 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario. Lists of members of the executive council and parliamentary assistants also appear at the back, along with the memberships of committees.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 20 December 1989

The House met at 1000.

Prayers.

ORDERS OF THE DAY

COMMITTEE BUSINESS

Mr Ward moved that the following committees be authorized to meet during the winter adjournment in accordance with the schedule of meeting dates agreed to by the three party whips and tabled with the Clerk of the Assembly to examine and inquire into the following matters:

Select committee on constitutional and inter-governmental affairs be appointed, in anticipation of a first ministers' conference on Senate reform tentatively scheduled for 1 November 1990, to undertake a program of consultation on Senate reform; that the committee have authority to meet concurrently with the House and during any adjournment of the House; that the committee be authorized to travel from place to place in Canada; that, subject to the proclamation on or by 21 June 1990 of the Constitution Amendment Act, 1987, signed in Ottawa on 3 June 1987, the committee complete its program of consultation and present its report to the House by 15 October 1990; and that the committee be composed of the following members: Mr Furlong (chair), Mr Allen, Mr Breagh, Mr Eves, Mr Grandmaître, Mr Harris, Ms Hošek, Mr McGuinty, Ms Oddie Munro, Mr Polsinelli and Miss Roberts;

Select committee on education to consider life-long learning;

Select committee on energy be appointed, in view of the increasing evidence of the contribution of combustion of fossil fuels to global warming, among other contributors, substantial understanding of the implications of climatic change on the environment and economy of Ontario and on human activity, and widespread public concern regarding these issues, and in view of the fact that energy policy has a direct bearing on these issues because of its impact on the mix, level and efficiency of use of all types of primary energy resources, to identify the extent to which current provincial energy policy affects carbon dioxide emissions, the potential for controlling, stabilizing or reducing carbon dioxide emissions, and the types of public policy

or program initiatives to achieve the objectives of limiting the adverse environmental and economic impacts of carbon dioxide emissions, and to consider (i) all energy sources, including oil, natural gas, coal, electricity, and alternative energy sources, with an emphasis on energy produced by the combustion of fossil fuels to provide heat or motive power; (ii) in the case of electricity and alternate energy sources, both the direct use of fossil fuels and the economic potential for noncombustion energy sources; (iii) demand management initiatives, including energy efficiency, with respect to their roles as noncarbon dioxide-forming sources of energy; and (iv) all sectors of energy applications, including the industrial, commercial, residential, institutional and transportation sectors; that the committee have authority to meet concurrently with the House and during any adjournment of the House; that the committee be authorized to travel from place to place in Canada; that the committee present an interim report on 19 March 1990 and that a final report be presented to the House in the autumn of 1990; and that the committee be composed of the following members: Mrs Sullivan (chair), Mr Brown, Mr Callahan, Mr Charlton, Mr D. R. Cooke (Kitchener), Mr Cureatz, Mrs Grier, Mr Kerrio, Mr McGuigan, Mr Pollock, and Mr M. C. Ray (Windsor-Walkerville);

Special committee on the parliamentary precinct to meet from time to time at the call of the co-chairs of the committee to consider matters related to the restoration of the Parliament building;

Standing committee on administration of justice to consider alternative dispute resolution;

Standing committee on finance and economic affairs to consider matters relating to prebudget consultation;

Standing committee on general government to conduct public hearings on and clause-by-clause consideration of Bill 68, An Act to amend certain Acts respecting Insurance, for a maximum of five weeks; that the committee be authorized to adjourn to places in Ontario for not more than six days; that the bill be reported to the House on 19 March 1990; and that in the event that the committee fails to report the said bill on the date

specified, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to the House and the report shall be deemed to be received and adopted by the House;

Standing committee on government agencies to consider the operation of certain agencies, boards and commissions of the government of Ontario;

Standing committee on the Legislative Assembly to consider matters relating to the procedures and administration of the House and to freedom of information and protection of individual privacy;

Standing committee on the Ombudsman to consider the denied case of Farm Q;

Standing committee on public accounts to consider the annual report of the Provincial Auditor;

Standing committee on resources development to conduct public hearings on and clause-by-clause consideration of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act, for a maximum of six weeks; that the Bill be reported to the House on 19 March 1990; and that in the event that the committee fails to report the said bill on the date specified, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to the House and the report shall be deemed to be received and adopted by the House;

Standing committee on social development to consider the expanding utilization of food banks in Ontario.

Mr D. S. Cooke: There will be considerable discussion on this motion, Mr Speaker. I thought perhaps there would have been some opening statements from the government House leader on this motion, since this is a very unusual and very extensive motion, a motion that for the first time since I have been a member of this assembly introduces in its form closure in committees, which has not been done in this place before.

I might start off by saying that—I am out of breath because I just ran up here—this morning was the first time that our caucus has seen some aspects of this motion. There was no consultation. There was no consultation in the wording. Even the motions dealing with the select committees were only shared in their final form, or any form at all, with the opposition parties yesterday. The motion re-establishing a select committee on constitutional affairs to look at Senate reform was shared with the opposition parties yesterday.

Normally with a committee like that, drafts are circulated and shared with opposition parties and some consensus is developed as to how the committee will proceed and the wording so that these committees are as nonpartisan as possible when studying issues dealing with national unity and national affairs.

The same point can be made about the select committee on energy, that there was no consultation and that the motions were first shared with us yesterday. Our critics in those particular areas will have more to say about that later this morning or later this afternoon.

But I specifically want to make some reference to the references and the motions dealing with the standing committee on general government and the standing committee on resources development.

First of all, the reference on standing committee on general government says, "The standing committee on general government to conduct public hearings on and clause-by-clause consideration of Bill 68"—which is the major third attempt on reform of the insurance legislation in this province, as members will recall and as anyone who is watching us on TV today will recall, and is the promise that the government would bring in legislation to lower insurance rates in the province—"An Act to amend Certain Acts respecting Insurance, for a maximum of five weeks; that the committee be authorized to adjourn to places in Ontario for not more than six days; that the bill be reported to the House on 19 March 1990; and that in the event that the committee fails to report the said bill on the date specified, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to the House and the report shall be deemed to be received and adopted by the House."

This particular aspect of this reference is totally prejudging anything that might happen in the standing committee on general government on insurance. It is offensive to the opposition and it is offensive to anybody who believes in the legislative process and the parliamentary process in this place. It is the first time that this type of thing has ever happened, that before the reference even occurs, before the committee even starts its public hearings, the government is, by motion, bringing in closure in the committee.

It is a bloody shame that this should be happening in this Legislature, and I think people should understand exactly what has happened over the time with the insurance legislation.

We had several consultants who looked at the insurance problem. We had a promise three or

four days before the last election that the Premier (Mr Peterson) had a plan to lower insurance rates. Then we had a piece of insurance legislation brought in that failed. We had another piece of insurance legislation brought in that failed. Then we had this legislation that brings in so-called no-fault insurance, which is offensive to many people in this province, not because it is no-fault but because of the levels of compensation and because of the plan that will not lower insurance rates in this province.

But forgetting the specifics of the legislation, the purpose of public hearings, of course, is to hear from the public and not to prejudge what the public will be indicating and not to prejudge what the members of the committee will decide on that legislation. However, the government obviously is saying that it is going to prejudge what the committee will decide, that it is not going to give the committee perhaps adequate time to deal with clause-by-clause and that it is going through the process of public hearings because we on this side forced the government to have public hearings.

Let's understand that when we first began the process on this particular legislation—

Mr Faubert: Nonsense.

Mr D. S. Cooke: My friend the member for Scarborough-Ellesmere (Mr Faubert) can say "nonsense," but the fact of the matter is that the Minister of Financial Institutions (Mr Elston) indicated, as did the government House leader, that there was no need for public hearings on this bill. They did not even want to have public hearings on this bill. It was my colleague the member for Welland-Thorold (Mr Kormos) and this caucus that forced the government to have public hearings and forced it to listen to the public.

But what the Liberals are really saying now is that it is all going to be a public relations exercise and that anything the public has to say will not be listened to by this government. I think the arrogance of the Liberal government has achieved new heights in this province.

Hon Mr Ward: Read the motion.

Mr D. S. Cooke: I have read the motion, and I say to the government House leader that it might have been helpful if the motion had been shared with us before reading it on the business paper today.

I also think one has to look at the reference that deals with the standing committee on resources development as well, which states that it will "conduct public hearings on and clause-by-clause consideration of Bill 208," which we

should understand is the rewriting of the health and safety legislation of this province. There was an original piece of legislation that was brought in here, Bill 208, that had a consensus that there was some support within organized labour. Then, when the bill was actually called for, after months and months of delays because of pressure from the business community across this province, the Minister of Labour (Mr Phillips) indicated there were going to be a whole series of major amendments brought in which basically watered down, if not eliminated, the major advantages that were presented in the original form of Bill 208.

Now what they are saying is that this bill, which amends the Occupational Health and Safety Act and the Workers' Compensation Act, will have a maximum of six weeks; the bill will "be reported to the House on 19 March 1990; and that in the event that the committee fails to report the said bill on the date specified, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to the House and the report shall be deemed to be received and adopted by the House."

Here we are on the last day that the Legislature sits before its break for Christmas, the committee has not even begun to have public hearings on Bill 208 and the government is saying, "There's no report yet, but we're going to prejudge the report that the resources development committee makes and the House is going to deem to have received that report before they have even started meeting."

It is an offensive motion, and I think it is antidemocratic. It is arrogant and it has soured the last several days of this sitting of this Legislature.

When my caucus met this morning and we reviewed these motions, I would say we were outraged by the process that has been implemented, the lack of consultation, the wording, and the assumption and prejudgement of the public hearings of these bills.

We will be talking about this at length today, tomorrow and however long it takes, but this is not the appropriate way to proceed. It is no coincidence that this motion on closure of both of these bills is being brought in on what was supposed to be the last day that the House was going to be sitting.

But I think that it is the wrong way to proceed, especially when most of this session has been proceeding with co-operation and goodwill on both sides of the House. It is unfortunate that this has to happen.

The government does not even need to do this. The fact of the matter is that if there was an assumption or if there was a feeling that the opposition parties were taking too long with legislation, then all they would have to do is bring in the appropriate motion when we come back in March and closure could be brought in.

That is exactly what could happen but, instead, the government has decided to try to do it now when it feels that the opposition parties feel a bit of time pressure and that we would all like to adjourn for the Christmas holidays.

I really think it is offensive and I think that any members, especially Liberal members who have been here for a number of years, will recognize that this has never been done before. But they continue to be upset with the process that was used on such legislation as Bill 162 and the Sunday shopping legislation. If anything, what has been proven with the facts and the issues that were brought out on the Sunday shopping legislation, when public hearings were held at length and when we delayed the process of that legislation in committee, is that we were correct. If the government had listened to us in that process, we would not be having the chaos that we currently have under the Sunday shopping legislation in Ontario now.

In view of the comments I have made and the feeling of our caucus, I would like to move an amendment to the resolution that is before us. We will prepare a further motion on the standing committee on resources development.

The Deputy Speaker: Mr D. S. Cooke moves that the reference to the standing committee on general government on Bill 68 be amended by deleting all the words after "19 March 1990" in the fifth line.

Hon Mr Ward: I find the comments made by the opposition House leader remarkable, to say the least. First of all, during the course of his remarks he made some references to the fact that this business motion represents, in either one form or another, a closure motion or a time allocation motion. It does neither of those things.

The opposition House leader will know full well that over the course of the past several weeks we have discussed and negotiated in good faith, at both the House leaders' meetings and the whips' meetings, the committee schedules for the coming recess. The business motions that are here provide for those times as agreed upon.

It does not prejudge the outcome of any committee. It achieves one thing and one thing only: It puts the debates on those two very important bills back in this House on the first day

back. The standing orders of this Legislature provide an opportunity for any bill being reported back from committee to be put into committee of the whole House. If there is a desire for any further discussion, that takes but one member of this Legislature to achieve. It does not prejudge or put a time allocation on any amendment or any motion whatsoever.

Maybe the opposition House leader expected something else in these motions and maybe he thinks they do something else. They do but one thing: They give those two committees the times that were agreed upon to deal with those bills during the recess and they put those bills back here on 19 March to continue the discussion if the need arises.

There are very good reasons for it, if we look at the nature of both of these bills. First of all, we have Bill 68, the auto insurance bill. The member knows full well, as do others, that without some very fundamental changes to the insurance product in this province, motorists throughout the province are going to face very substantial increases.

We do not have the luxury to talk this out for a year and a half unless the drivers of this province are quite willing to accept increases in the neighbourhood of 30 per cent for the coming year. The member knows that. All opposition members know it, as well as government members. The bill has to be dealt with expeditiously and we will have a full debate. There is not one day, one minute, of debate time being denied by this motion, and he is absolutely incorrect.

Mr Mackenzie: Just put back on the jackboots. That's what you've done.

The Chair: Order, please.

Hon Mr Ward: I ask members to show me where there is any denial of time. The occupational health and safety legislation, frankly, we need in this province to protect workers, for very good reason.

Mr D. S. Cooke: You don't want to have any debate.

Mr Wildman: Why the deeming?

The Chair: Order, please.

Hon Mr Ward: There will be as much debate as is required on each and every section of that bill. There is no time allocation in this motion. There is no closure in this motion. The bills will merely be dealt with in this House the first day back, and quite frankly, given the nature of these bills, that is as it should be.

The Deputy Speaker: The member for Riverdale.

Mr Reville: I will defer to the member for Nipissing.

1020

Mr Harris: I just want to clarify, since from my remarks the House may not be able to determine exactly what it is I am speaking of. If I understand it, I am dealing with an amendment from the New Democratic Party to delete under the section "standing committee on general government" the words "and that" and from there on. Okay?

Mr Reville: Yes.

Mr Wildman: The fifth line.

Mr Harris: We are just dealing with that at this time.

Mr Wildman: Yes. We can deal with the others later.

Mr Harris: I want to indicate my support for the amendment and I want to comment briefly on exactly what is being proposed and suggested by the government House leader and why it is totally unnecessary for him to do it this way.

The amendment part itself—when we look at the motion, it says "and that in the event the committee fails to report the said bill on the date specified, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to the House and the report shall be deemed to be received and adopted by the House."

What this is doing in effect is prejudging the entire work of the committee. It is, in effect, total and ultimate closure, saying we are going to close it out now, regardless of what the committee finds, regardless of what stage it is at and regardless of whether—

Mr Bossy: Some four months down the way.

Mr Harris: Well, some of the minions in the back row object. What I am saying to the government members is that if they sit on this committee, and they will be sitting on the committee, regardless of what they think come 18 March, regardless of whether the minister says, "Look guys, there are some problems here," and regardless of the technical drafting of legislation we have seen from the government side, this will be deemed to be finished and out of committee and will be deemed to be passed, adopted and received by the House.

Mr Fleet: It can still be debated. Debate doesn't end.

The Chair: Order, please. One member at a time please.

Interjections.

The Chair: Order. All members who wish to speak will have a chance to speak. The standing orders call for one member at a time. Now, only the member for Nipissing has the floor.

Mr Harris: This deeming is a very over-excessive use of power that is not required. It takes away the independence of the committee. It takes away any sense that there is any independent thought on the committee, and quite frankly, the people who should be most offended, absolutely most offended, are those members of the Liberal Party who will be sitting on the committee, because in effect what the government is saying is: "Look, we have the power to do what you want at your bidding, minister, Premier or House leader. We can do all those things, but let's at least keep the charade that we are sort of independent. Let's not upfront, right in the motion, say, 'You're not independent; what you say doesn't matter; what you think on March 19 doesn't matter. That's it.'"

There is more than ample power for the committee to close this out any time it wants and to say: "We have had enough and we now understand, through the hearings, where the opposition party is coming from. We totally disagree. We don't want to listen any more. We're going to send it back to the House and it can be done any time by the committee."

We might object at that time if we feel that it has not received a full hearing, but for the government House leader to phrase the motion in this fashion is saying: "Listen, we don't care what you find. We don't care how the hearings go. We don't care what you find in clause-by-clause. We don't even care if the minister, at that particular point in time, and the officials in the ministry, are not ready to report, because we are prejudging it all right now." There is absolutely no necessity for that kind of power and, in fact, it is a slight on the committee.

If the House leader, as he has said, is concerned about time lines and the government agenda—and it is no secret. We know the government agenda is to have this very flawed, overly short-term, politically disastrous bill in place next spring. We understand that agenda. The industry understands that agenda. All of the people directly involved understand. I am not sure the nine million potential victims in Ontario understand that, but all sides of this House and those people who have been involved understand that.

There is nothing the matter with the government's signalling that intention. There is actually

nothing the matter, in my view, with the House leader's insisting that the committee report to the House on the very first day back. I do not have a difficulty with that. But to prejudge what that report is going to be, to prejudge that it has been passed and this is what it says: "We are deeming things into the future," is totally inappropriate. It is a very extensive abuse of the power of prejudging and it is totally unnecessary.

We are getting close to Christmas. Things get accelerated and we are doing things in a hurry. The government House leader, in his comments, indicated that we discussed this. Everybody knows what the intent of the government is, and I agree, we have discussed it. We know what the intent of the government is.

As a matter of fact, I do not mind suggesting to the members and putting it on the record officially in the House that the House leaders did make a deal. We did make a deal and we did agree and we gave our word, on behalf of our parties, as to the amount of time that would be spent in hearings, when that time would be spent and the amount of days that would be spent travelling on the road, and I suggest that I do not think that needs to be in the motion either.

What that is saying is: "Well, I know, House leader for the Conservative Party and House leader for the New Democratic Party, we agreed on that, but your words are no good. We don't trust you, so we are going to spell it out in the motion and we are going to have a vote on it." I resent that a tad, I tell the members. I resent that a little bit. However, come 1 January, I will not be the House leader for the party, so somebody else can carry that resentment forward at that time.

There is nothing inappropriate about that in the sense of procedural precedence, and I can live with it. I would not have put it in the motion. It is in there and I think it does not belong in the motion, but none the less, it is there and I cannot say to this House that is a dangerous precedent.

But the other thing is that there is no necessity for it. We all know the time line. The committee, particularly given the fact that the government has a majority on the committee, has the power at any time to do what it wants and to report when it wants, and I would urge the government House leader to accept the amendment. If the motion ends that the bill be reported to the House on 19 March 1990, it is stronger than I think needs to be required, but I do not think that deems a whole bunch of things that nobody really wants to prejudge and to be deemed, and the motion is far more palatable that way.

I would prefer that it indicate that the committee report to the House on 19 March the status of the bill. If, in fact, the government has ordered the members of the committee to give up their independence and do what it tells them and it is going to do all this by 18 March, so be it. I just do not understand why it wants that public. I do not understand why it wants to say to the public right now, "Whatever the hearings produce, whatever we get into as we examine clause-by-clause doesn't matter a whit." I would have thought you would have tried to carry the charade on a little bit—

1030

The Deputy Speaker: Order, please.

Mr Harris: Through you, Mr Speaker.

The Deputy Speaker: Third person singular or plural.

Mr Harris: —that you would have wanted to carry on this charade that there was some sense of independence in the committee.

I suggest to the House leader that, should this amendment be accepted, and there will be another one required on another committee further down, he will have all the power he needs. Even politically it makes much more sense for his party. It is a lot easier for the Liberal members on the committee to go home and say: "Yes, it's really meaningful. You know, I'm sitting on the insurance committee this spring and it's really meaningful. I'm going to hear what the public has to say, what the industry has to say, what the various groups have to say and I'm going to be in there. I'm going to try to make this a better piece of legislation." You have got a fighting chance to explain that to your constituents if you will accept this amendment. If you do not, you have no chance at all to explain that there is even the slightest hint of openness or of independence on the part of the committee.

The Deputy Speaker: I would like to remind all members who will be debating of standing order 22(a), to address their remarks not only through the Speaker but to the Speaker, which means that you do not address other members directly as "you."

Mr Reville: I think one of the difficulties is that the government motions that have been moved are extremely offensive. I think every member of the House should feel personally offended by these motions and I think that is probably why some of the parliamentary niceties are more difficult to observe on an occasion like this. I am going to try very hard to observe them.

We are all, in one of our personae, intensely partisan creatures. There would be no reason for us to be here if we did not have a world view, if we did not have some ideology. I know my friends in government say that they are a government without ideology, and they seem to be proud of that, but my friends to my left have an ideology; we have an ideology. That is one of the curious paradoxes of this place, that it is sometimes easier for New Democrats to get along with Tories, because at least Tories believe in something. It is not a view that we share, but they have a view. If they want to defend it, by God, we will defend their right to defend that.

I think, however, that as I try to calm the kind of shrieks of impotent rage I feel at this sort of thing and become a little less partisan and a little more small-p political, I want to say to the House that this kind of motion diminishes each and every member of the Legislature.

We have all been sent here because our constituents thought we could go and do some kind of a job representing them. The time at which the representation happens in this place in the most meaningful way is when the public is invited to come before a committee of the Legislature and share with that committee its views on a matter of important public policy.

My experience has been that each member who has been assigned to a committee wants to take some pride in the work that he or she will do on that committee and that he wants to feel that no matter what the line is of his particular party, he will in fact listen to the arguments that are put, and if somebody makes a particularly compelling argument, each and every member of that committee would want to feel as though he could listen to the compelling argument he has heard and perhaps take action on it.

What I think this kind of motion means is that the members of the Legislature, in spite of protestations that the ordinary member should have more power, will in fact have even less. In a sense, this is the hardest news for backbench members of the government, because it means that they will become mere spear carriers for their minister or for their premier. It makes me feel somewhat grateful, in that connection at any rate, that I am not a backbench member of the government, although of course it is the fondest wish of those of us in opposition that we will one day be a member of the government, and obviously we hope that that day will be sooner rather than later, but at least the members of the opposition will be able to express their disagreement in a more important way.

I think what this kind of motion says is that a committee will become a mere complaints department, that in fact the public will come and say what it has to say and the committee will be able to do absolutely nothing with those views. It is perhaps one of the most painful situations, in which the committee will be seen to have responsibility but will have no authority.

I have had the opportunity to serve on many of the standing committees. I have watched, for instance, my colleague the member for Scarborough West (Mr R. F. Johnston) when he was chair of the standing committee on social development and my colleague the member for Nickel Belt (Mr Laughren), who is currently the chair of the standing committee on resources development, work very hard to ensure that members of the public were treated with respect and with dignity, and they worked hard to juggle the pressures of the agenda to make sure that members of the committee had a chance to ask questions and to in fact pose contrary views if that was the case.

I know from having talked to those particular members at length about this how much they value that part of the parliamentary process, the part where the public is invited and welcomed, apparently, to come and say, "We disagree with the policy of the government" or "We agree with the policy of the government" or "We would recommend these changes or that change." We like to say, all of us, that public participation is what our view of democracy is about.

Yet what the government is suggesting is that, yes, we will go through this routine of inviting the public in, and regardless of what the public may have to say, regardless of what ministry officials may be ready to do or may not be ready to do, at some point we are going to pretend that the process is complete and we are going to send it back here, where in fact, as anyone knows, we put on this theatre, it is on television, but nothing really happens. I make a speech, someone else makes a speech, but movement is not going to happen in here.

The kind of "Roll up your sleeves, let's try to figure out the best way to solve this problem, given that we have differing views of the world, given that we have competing ideologies, given that we are on different people's sides," those kinds of things often do get sorted out in a clause-by-clause process in a committee that is really trying to come to grips with the different approaches to problem-solving that there always are. But once it gets back into here, it becomes so ritualistic it becomes a kind of mating dance, and

we know who the dominant partner in that dance is always going to be: It is going to be the one with the 94 votes. The search for an appropriate remedy will not be as good a search. The solution that is found will not be as complete a solution, because in fact it will edit out those competing views.

1040

When this place works the best, and it has at various times over the years worked extraordinarily well, is when there is no fear of accepting an idea from some wild-eyed New Democrat if in fact that idea in the end will make public policy more fairly implemented or more completely implemented. We have seen occasions, in obviously less big-P political situations—I mean, one of the dilemmas here, and I risk kind of slipping into a partisan mode here, is that basically the government has done two things in the last little while and it has now created an artificial situation to ensure that the two things it has done happen according to some kind of time line that it needs for its political purposes. As it happens, these happen to be two issues which are controversial and they are issues on which there are very starkly opposing points of view.

My hope is that the government will reconsider its approach to trying to time its agenda. I do not blame the government for trying to do that, but I think it would be a terrible shame if the government missed out on the benefit that the public process can achieve. I hope that has happened even as we speak.

Mr J. M. Johnson: I would like to briefly reaffirm the comments and support the comments made by the member for Windsor-Riverside (Mr D. S. Cooke) and by my House leader.

I find this so-called closure motion a little too offensive, since we advertised that we will have public hearings and the purpose of the public hearings is to hopefully seek input from the public. We have even allocated time for the committee to travel, and it travels around the province encouraging people to come and make presentations on what they think of Bill 68 and the impact; yet we tell the committee that regardless of what it hears, if for some reason the committee fails to report the bill, it does not really matter because it is deemed to be passed by the committee, reported to the House and adopted.

What really is the purpose of the hearings? Why encourage people to make presentations when there is a very strong possibility that it will not make one iota of a difference?

Why do we need the time allocation? Why can the bill not simply come back to the House on 19 March and at that point in time then take the appropriate action, but if the committee has some reason—God knows, maybe the Liberal members on the committee will feel that it is not time to report. Maybe the chairman will not be around. Maybe he will abscond to Africa or someplace. We never know what will happen in the future. Why prejudge it? What is the urgency?

Now the government House leader has indicated that if it is not reported back by that time, if it is not passed, then we are responsible for a 30 per cent increase in insurance rates. That is pretty close to a threat. I think that possibly the House leader has overreacted in his eagerness to have us leave the chamber today.

I would strongly support the amendment that has been placed before the House. Hopefully the government can give consideration to the fact that we do not need a closure of this type.

M. R. F. Johnston: J'aimerais dire quelque chose concernant ce problème. I think it is important from time to time for members to refer back to Erskine May's Parliamentary Practice when we start to look at changes and the evolution of our system.

Over the last number of years I think we have seen a lot of proposals put forward by the executive councils of this administration and of the preceding administration to make the Legislature more efficient, if I can put it that way, in the executive council's view of things. In so doing, I think we have had a bit of a curtailment of the rights of the minorities, something which, as a legislator of some time here now, really concerns me, because we can never look at what goes on here just at the moment but rather in terms of what this institution is and what the democratic principles of that institution are.

When I see this historical development of closure and time allocation from the days of the Corn Laws in England, the problems around Parnell and the Irish question and look today to see where we are at now, it was brought in first of all as a matter of national crisis for a government where there was the probability of a major Irish rebellion. That was the first time closure was ever brought in. These days it comes in like this, without notice; it is dropped on us overnight with a whole new concept of deeming brought in, which we have seen now mostly in this last year and a half.

I just say to members that this is a very dangerous road to go down. The evolution in our parliamentary democracy should be slow and

considered. It should not be precipitous and only meeting the needs of the executive council.

What I want to do is remind members that Erskine May deals with this at some length concerning the rights of standing committees and what is expected of them. I refer members to pages 678 through 681 of Erskine May. Essentially, it says the following:

"It is the duty of a standing committee, as of all committees, to give the matters referred to it due and sufficient consideration. The chairman of a standing committee will not therefore normally accept motions in pursuance of which the committee would conclude its deliberations before it has gone through the bill committed to it."

It has a similar position for select committees as well.

What it does say is that there are provisions for time allocation, but they are brought in by the committee itself and by the mover of the bill, generally speaking, usually at the stage where it is believed "that the committee do not proceed" or cannot proceed further "with the bill."

Instead, this is a pre-emptory strike. This is a presumption that a bill will meet that kind of impasse and, in advance of ever going to a standing committee, which has the right to order its own business and the right to decide whether or not it wishes to bring in its own form of time allocation or closure, that the executive council will foist that on to the committee itself. That is a very dangerous concept.

When it comes to the section on allocation-of-time orders, Erskine May also talks about this going through a procedure where the committee gets a chance to look at that time allocation to decide what it thinks about it, how it goes through the subcommittee process and then the committee itself makes some decisions on it.

I suggest to members that is a far better way of going. It respects the committee process much more fundamentally than does a deeming by the executive council of what the timetable and outcomes of a committee will be, and that is where we should be putting the onus, especially—and I do not want to be too cynical—when one realizes what a massive majority the Liberal government has in the committees if it really wished to bring in closure at the appropriate time.

Just recently in this House I raised questions where the bureaucracy ignored the results of a standing committee. It presumed that a Catholic would want to give his money necessarily to support the Catholic separate school system, which is not necessarily the case constitutionally.

Although a change had been made in the standing committee, the bureaucracy and the government were going ahead with information that was incorrect and that was all based on second reading.

I see this deeming motion as being a way of actually ensuring that a government never has to listen to the standing committee, and if it wished to, with its majority, it could make sure that the committee never would come to a resolution; therefore, the deeming process would have to go through and the bill, as it was reported at second reading, would be the obvious outcome. That fundamentally then takes away the powers of the standing committee and its own viability in terms of operating as a major organ of this House.

I think there is some agreement being achieved between the House leaders on this point and that the deeming will not be brought forward, but I just say to members that there is the danger of looking at democracy and democratic institutions like this with an efficiency model rather than a democratic-procedure-and-rights model in mind. The more we swing into the presumption that the needs of the executive council are what this place must serve fundamentally, and not the needs of representation and the people as a whole, the greater the danger is to our democracy.

1050

Mr Velshi: I listened carefully and I would like to just comment on some of the things I have heard this morning.

The member for Windsor-Riverside started by saying this is a closure motion. When we met in committee, and I am on this committee, the impression I got was that this was an arrangement made between the three House leaders, that we would be meeting for five weeks, that we would travel for no more than six days and that we would be going to four centres other than Metropolitan Toronto. That was the understanding between all members of all the parties that were sitting together at that meeting.

So when I listened to the member for Windsor-Riverside, I started wondering to myself, "Has my House leader changed the ground rules somewhere between then and now?" Then I heard the member for Nipissing (Mr Harris) stand up and state that what has been done by my House leader is just that the verbal agreement reached between the three House leaders has now been put in writing. I think the member for Nipissing mentioned that he takes offence by the fact that he has not been trusted and that what was discussed verbally between the three House leaders is now being put in writing.

We are looking at two different questions here: Is it a closure, or is this something that the three House leaders have agreed the committee would meet for five weeks and report back on? To me that is the crux of the matter. This particular resolution, or whatever it is, is not going to change what my committee is going to be doing. We are still going to proceed as planned; it is not going to make any change for us. One member suggested that when we start discussing this matter in the House it is some sort of a ritualistic dance because we are in the majority, but I must state that we are also in the majority in committee. So where do we talk?

If this is not being put in writing and if this is being objected to by the two opposition parties, then I must question the reason for their objection. Is it that they do not want to abide by the original agreement reached between the three House leaders and that they want access to the position that they may want to extend the committee meetings? If that is the case, then I think it is a job for the three House leaders to sit again and discuss and then not leave it until the committee stage for us, as members of the committee, to decide that.

All of us have agreed that we will do what is necessary in five weeks. We have decided when we will report back to the committee. We have decided on when to report back to the House here. I am just wondering what games the opposition is up to right now in terms of objecting to what already has been agreed upon by the three House leaders.

If my House leader now wants to make any change in the wording of this particular resolution, I will go along with that, but I must say that the intent of this is strictly what was decided upon by the three House leaders in the first instance and there is no game being played; there is no charade. As members of the Liberal Party on that committee, we are quite serious about what we are planning to do, and I think it is wrong for the opposition members to say we are part of a game that is being played. If this was decided by the three House leaders, whatever happens lies squarely at their feet; it is their responsibility and has nothing to do with any charade that they think is going on.

Mr Mackenzie: This is one of the occasions when I really wish I had the education to put into words my feelings about my reaction when I read this first thing this morning. I can say honestly that I have some difficulty in controlling—

Interjections.

The Deputy Speaker: Order, please. Only the member for Hamilton East has the floor.

Mr Mackenzie: I have some real difficulty in controlling what amounts literally to rage in this House. I want to make a couple of arguments and will try to do them in a calm and collected way, but I want to read once again the motion to the members of this House. It does not matter which of the two bills we use. Obviously the one that is my main concern is Bill 208.

The Deputy Speaker: Excuse me a second. Order, please, member for Nipissing. There are many private conversations. The Speaker would like to listen to the member for Hamilton East, who is the only one who has the floor.

Mr Mackenzie: If I can read the motion once again; I will take the second one, but it does not really matter which one we use, the one from the standing committee on resources development or from the standing committee on general government, "to conduct public hearings on clause-by-clause consideration of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act for a maximum of six weeks; that the bill be reported to the House on March 19, 1990; and that in the event that the committee fails to report the said bill on the date specified, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to the House and the report shall be deemed to be received and adopted by the House."

It does not take a university education to understand what the government was doing. Maybe they did not understand what they were doing; I hope that is the case. But if they did understand what they were doing, they were posing one of the biggest threats I have ever seen to what we call our democratic process in this province, and I was offended and enraged.

Surely the members of this House understand that when we have bills as controversial as some of the bills we are dealing with in committee and in this break, they have a clear, absolute majority on those committees; they can move closure at any time they want, if that is the route they are going to go.

But when we have a bill as important as Bill 208—and I was not going to get into it, but incidentally, a bill that deals with the health and safety of workers in this province, where this year now we are running at a record rate of 339 death claims in the workplace; and 227 workplace injuries every single hour—surely to goodness they understand that by passing this kind of motion in this House and then sending this bill

out for hearings around this province, what they are clearly saying to all of the submitters—they are saying it to their own backbenchers, but it obviously does not matter if they have their marching orders—is that it does not mean a damn what kind of arguments are made before that committee.

Let me tell members that as it stands, if this motion ever got to the people who were making the submissions, I can say right now that the immediate response would be, “Why in blazes is the Legislature of Ontario going through this absolute con game of holding hearings when it has decided what it is going to do in advance and when we have deemed exactly what we are going to do, regardless of what kinds of arguments, good or bad, are made by the submitters?”

It is almost unbelievable that we would have seen this kind of motion before this House. I hope the people of Ontario clearly understand that if this kind of action is what this government means, we are moving from not just a large and obviously very arrogant majority in this province but to the kind of absolute disdain for the process that marks a tinpot dictator, a Romanian Ceausescu or some of the drug lords. I am not kidding. I could not believe what I read this morning. I myself feared sending this kind of message out to my own colleagues in the trade union movement. The reaction would have been immediate; it would have been disbelief; it would have been uproar.

Who is calling the shots in this government that we get this kind of motion on the floor of this House when it is obvious the government already has the majority and it can do it any time? Forgive me for saying it, but at least let us go through the charade, if that is what it is, of the hearings; let's not say that they do not matter before we even start. Surely to goodness this cannot be allowed to happen in this House.

Is this what we warned about as we started getting more and more closure measures in Ontario, which has been the pattern over the past few years and strangely enough, in most cases, from huge majority governments? Is this what we are to expect, to see this kind of absolute disdain for any input from the people of the province?

Change it drastically. I think it needs more than just moving out the deeming in this particular recommendation. I ask the government members to understand clearly that they may have their marching orders, but if they did have a semblance of independence and wanted to do something at some of these hearings or even to accept some of the arguments that may be made

by some of the submitters, they have gutted themselves as well as gutting the opposition in this Ontario Legislature.

I do hope we are seeing some major changes. This, I think, was unconscionable, and I hope the people of Ontario also will take a look at the little episode that has taken place here this morning in this chamber.

Hon Mr Ward: Under questions and comments, I guess—

The Deputy Speaker: There are no questions and comments.

Hon Mr Ward: There are not? If I may speak to the remarks that were just made by my friend the member for Hamilton East (Mr Mackenzie)—

The Deputy Speaker: The problem is, you have already spoken, and there are no questions and comments.

Hon Mr Ward: Okay, I tried.

Motion agreed to.

1100

The Deputy Speaker: Mr Laughren moves that the motion as amended be further amended as follows:

“That the reference to the standing committee on resources development on Bill 208 be amended by deleting all the words after the word ‘House’ in the fourth line and inserting thereto ‘on 26 March 1990.’”

Mr Laughren: It is with some reluctance that I even move this motion, and I do it because I see it as the only possible compromise to save any kind of dignity for the committee system in this place.

It is completely and absolutely unacceptable to say to a group of legislators: “You are members of a committee and you are going to hear public hearings. When those public hearings have been concluded within a time frame agreed to, whatever you have been talking about will be deemed to have been completed and sent back into this assembly.” I understand that when it comes back into the assembly it can go into committee of the whole House. That surely is not the point.

Let me be very specific in this example. The resources development committee, of which I am chair, had agreed that we would hold five weeks of public hearings and have one week—four days basically—of clause-by-clause debate by members of the committee. During those four or five days of clause-by-clause debate it was our hope that, having listened to the presentations all across this province for five weeks, there would be some amendments we might want to make.

However, at the end of that four or five days we not have completed the clause-by-clause; as most members know, we are talking about a bill that rewrites the health and safety legislation in this province, so it would be quite optimistic to assume that at the end of four or five days we would have completed our deliberations on the clause-by-clause debate. There was a real hope that if we did not finish in four or five days, then with the assembly coming back for the spring session on 19 March, we could continue the debate in our regular meetings in the afternoons when the House was in session. I think that was the best solution.

There was absolutely no indication from anybody, certainly in the opposition, that there was going to be any kind of filibuster on this debate. I think this demeans the committee process by saying: "You must not do that. You must send it back to this chamber." I think that is truly offensive and unnecessary. I think it was downright foolish to do.

Let me give an example of another time when the resources committee debated the subject of mining health and safety. There was a real concern about the number of deaths in the mining industry.

The resources committee was given the responsibility of examining the problem of health and safety in the mines all across the province and presenting a report to this assembly. We did that. When we came to make our recommendations, I can tell the House that—and I do not fear contradiction from government members here either—the committee sat down and hammered out a series of recommendations. As I recall, there were about 50 recommendations in that report.

We worked extremely hard as a committee. Everybody in that committee made compromises, and we came up with a report that was unanimous. If members think that is easy to do on a matter of health and safety in our mines then they do not understand the nature of this place. The committee worked extremely hard and we came up with what I think was a good report.

If the House leader and the rest of the cabinet decide they cannot trust the committee system to do what is best, then I think they are saying something pretty profound about the committee system, and I really find that very offensive.

I do not want to assume that other people have the same values as I have, but there are many of us in this assembly who get our satisfaction in this place from the committee system. If you come into this place in question period, you see

the high rollers at work. You see the two opposition leaders, the Premier (Mr Peterson) and the cabinet, and that is their platform. Other members of this assembly are more like props during question period.

It is in the committees that the real work goes on about changing legislation and about hearing from the public. If you take that away from the committee system you are taking a great deal away from ordinary members of this assembly, the ordinary backbenchers in this place. If I was a government backbencher, I would be even more offended than I am now as an opposition member.

I was hoping that a government member would stand in his or her place and defend this process. I know that is difficult here, but that is another indication of why the committee system can do things that this assembly cannot do. In committee, it is not at all unusual to have government members expressing a view that is in opposition to what official government policy is.

For example, if we are debating a clause, such as in Bill 208, it would not be at all unusual to have a government member say, "I don't like that particular clause, and I think we could amend it in such and such a way." That means, of course, there is at least an element of independence in the committee system.

There is no element of independence in this assembly. Once again, if the government House leader presumes what the committee is going to do by automatically referring a subject matter back to this assembly, he is demeaning the committee system in this place, and I regret that very much. If I was a government member, I would be most angry about what the government House leader has done to them.

Another point is, why was this motion not presented to the committee for debate of the committee? Why in the name of heaven is this laid upon this assembly this morning to be debated this morning? The government House leader should tell me why this motion, even if it was drafted in this form, could not have been presented to the resources development committee when we have been meeting in the last number of weeks. I do not know why, and I can see that other members on the government side do not know why either.

Why could this not have been presented to the resources committee so that we could debate it? Perhaps we could have saved some of the agony of this morning if the resources committee, among ourselves, had been able to say to the government House leader, "This is unaccept-

able," because I believe this is unacceptable to government members as well. Whether they stand in their place this morning and say so, I do not know. I do not really care, to tell members the truth, but I tell them it is fundamentally wrong.

At least I have moved an amendment that says that nothing is deemed to have been done, that we will deal with this in five weeks of public hearings, at which point it will be referred back to this assembly on 26 March—not 19 March but 26 March.

I must say that, given the nature of this bill, we know there is going to be a lot of interest in it as we travel the province. What the government House leader is asking the committee to do, in the dead of winter, if I might put it that way, is travel throughout the entire province, including more exotic locales such as Dryden, Fort Frances, Thunder Bay, Sudbury, Sault Ste Marie and Timmins, holding hearings.

1110

Now if we are going to hold hearings in all of these places and hear representations, some people will be for the bill and some people will be against the bill. Surely to goodness we want to feel as committee members that when we are listening to those people it is actually sinking in and that we are not just there sitting in front of a presenter and pretending to listen, that we are absorbing it and we have full intentions of listening in a way that could lead to amendments to the bill.

It is terribly important that we feel this ourselves and that the people who are making presentations have the confidence that they are not just going through the motions. Nothing will undermine the public participation process more than if people have a sense that it is all a charade and that we are really not out there to do anything but use up some time, to give it a pretence of public participation. That really is offensive to people out there and to us as members.

I think most of us have better things to do with our time than play a game of charades during recesses of this assembly. Most members work very hard on the committee system and anything that takes away from the legitimacy of that work surely should be resisted mightily by those of us in this assembly.

I do not want to go on at length. I simply conclude by saying that I think this motion is regrettable and was unnecessary. If the government does not have the confidence in the political system and in the committee system in particular, then stand in your place and say so and do everything in this assembly, because that is what

the government is asking us to do. It is asking us to go through the motions of holding hearings and then come back here and let the assembly decide what amendments should be put, and that is fundamentally wrong if it wants the committee system to work in this province. If the government takes away the committee system, what does it do to public participation and public hearings on controversial legislation?

I think the government has made a mistake. I understand my amendment will be accepted—I am pleased by that—but I can tell the government that I do not move this amendment with any sense of victory or of accomplishment even. As a matter of fact, it is with great reluctance that I even accept this kind of compromise because it really does compromise the political system and the committee system, and it takes away from what most of us try to do when we go out across the province and listen to presentations by people who care very much about the presentations they are making.

Those of us who have sat on hearings all across the province know that people put a lot of work into those presentations. They care very much about what they are saying and what they are doing, and if they get the sense that it is just a charade and that we are there to listen and then toss it back in the laps of the majority here in the assembly, then I think that is a sad change in the way we will be perceived in Ontario.

I have moved the amendment because I think that it removes the deeming process, makes it somewhat less offensive than the original motion and also gives the committee an extra week to deal with clause-by-clause.

Mr Harris: I will not be too long on this one because we are dealing with a similar amendment to the one I spoke to on the amendment we just passed on the standing committee on general government. It will not surprise the House then that I would take exception, particularly on behalf of all members of the committee and, indeed, for the precedent of deeming provisions in the motion that we are going to delete, to deeming that things have been passed.

As we have had discussions as House leaders I, in fairness, believe that the drafting of the crafty House leader's staff was perhaps tighter than even the House leader intended. It is, indeed, their job to close as many loopholes as possible, as they see them, and tie down the time lines as much as possible. I suggest in their drafting they did that all right. In effect, they closed out debate not just in the committee, by the way, but saying "deemed to be received and

adopted by the House" means that, regardless of what comes back from the committee, there is no debate, it is deemed to have been accepted. We cannot even debate it back in the Legislature, which is far in excess of the power that any government in this country, I think, provincially or federally, has ever asked for in advance.

Many times closure is brought in, many times they say, "Enough is enough, we're going to close you out," but to preclose you out in the committee and then to prejudge and close out any debate in the House—and in fact, as House leaders, we discussed this in looking for a more acceptable compromise to meet the intent of what the government was saying, in effect the setting of precedence whereby the government was going to accept whatever came in, was going to accept that report regardless of what was in it.

I think there is an awareness that that was a very dangerous precedent as well for the government and for the ministers of the crown and for the Premier, because what they were saying is, "If perchance we can't control the majority on the committee at some particular point in time, we're already saying we're going to accept that too." I agree that is unlikely, given the performance that I have seen over this period of time.

We will support the amendment, obviously, and I think there is a consensus that the amendment makes it a better referral motion. The 26th will provide for a more logical time frame when we come back, and I want the House to understand that, even after the amendment, in effect the government is closing the committee out. They are saying, "You are going to report on the 26th whether you're ready to or not and you're going to report the bill; you're not going to deal with the bill any more."

We object to that and are not in favour of that. However, we do not find that nearly as offensive as that in addition to that we have deemed it to be passed and we have deemed it to be debated and we have deemed it to be accepted all the way along the line.

To avoid repeating any arguments I made in the last little debate on the motion on the standing committee on general government, I will conclude my remarks there.

Miss Martel: I will not speak long on this particular issue, but there are some things that I want to say because I am particularly incensed by what has happened here this morning and I think all members of this assembly, regardless on what side of the House they sit, should be too, especially if they take any pride in the work that

they do on the various committees in this House. It is not often, because of the numbers, for Liberal members in particular to make an impact on this place outside of the committee system, but what has happened here today by the two government motions that were moved in terms of the auto insurance bill and in terms of Bill 208 has really undercut especially the work Liberal members will do on committee. If the members do not see that, then there is something dramatically wrong here.

Let me go back and give two reasons why I am particularly unhappy with what has happened. If I go back to the original motion, which of course said halfway down that the bill must be reported to the House on a particular date and that in the event the committee fails to report the said bill on the date specified, the bill shall be deemed to be passed by the committee—meaning, in fact, that anything that has been done will have been deemed to be passed and we will prejudge what work the committee will do, prejudge any amendments, prejudge anything that has gone on from the hearings and the consequences and the results and the changes that should have come out of the hearings—if I look at that, I really have to consider that the government is being extremely hypocritical when I go back and look at some of the things that happened around Bill 162 and some of the things that were said about the so-called importance of committees at that point in time.

1120

I remember clearly when we came back last October and we started in the first week to call for public hearings on Bill 162, the former Minister of Labour sat in his place and day after day after day said the committees will decide; the committees will decide if there will be public hearings; the standing committee on resources development will decide when, where, how long and where we will sit, and on and on and on about how important the committees were and how those individual members, the 10 of them, would have the right to negotiate, compromise and come up with some kind of decision because their work was important, committees were important and people on those committees should have those kinds of rights.

I remember during the course of the public hearings themselves even the Liberal members telling presenters not to worry, their views would be taken into account, when we came back to this place and started the clause-by-clause and went through it their concerns would be heard and we would make the changes to make the bill better.

There was no discussion about how that debate was going to be limited or how the government House leader was going to prejudge what the committee would do, but in fact the Liberal members tried to assure all of those presenters that their views would be taken into account, we would respect what they had to say, the time they took to say it and the effort they made to come and say it and we would make some kind of changes to accommodate their concerns and make the bill better.

What has happened today with the motion moved by the government House leader is to undercut that whole process and to say to committees and to say to the public: "We don't give a damn what you say when you come to public hearings, we're going to decide how the bill is going to look. It's going to come back into this place at a particular time, and as committee members, muzzle yourselves, because you're not going to have the chance to respond to the concerns you heard, you're not going to have any chance to make the changes. We'll come and we'll do it in the House, and all those committee members who spent time on the road travelling, listening to people, dealing with them, well, their views and their opinions are for naught because it's going to be decided in this place, in this assembly, and never mind the kind of work you do as members and never mind what your input and participation should be."

It is the hypocrisy that I see here today that offends me, as an honourable member of this House and an honourable member of committee in this House as well.

The second thing that really disturbs me today is the view of the committee process itself as described in this particular motion, in the kind of motion we are seeing.

Most of us come here and feel that we can probably make a greater impact in committee, because if we are not the leader or the House leader or people who are up every day in question period, then where we think we are going to make some of our impact is in the committee system itself.

What I see here is a fundamental change in the view of the importance of committee, and I do not care if there is a precedent and it has been done on Bill 47 or Bill 147 or whatever, it was wrong then and it is wrong now. We should never be moving in this House to cut the legs out from under committee members by saying: "We don't care where you are in the process. By 19 March or by 26 March, that bill is coming in here. We don't care where you are in committee, we don't

care what other changes you'd like to make, we don't care what you have to say, it's coming back in here whether you like it or not."

I am offended by that. I think that is a disgrace. I think if Liberal members sat down and thought seriously about it, they should feel like they have been taken to the cleaners too, because basically, what all of you have been told is that your input is for nothing. The government House leader says: "We want this bill back in this House by a particular date. You people shut it down. Keep your mouths closed. Get it through and get it in here."

I, for one, came here thinking that I had a contribution to make on behalf of the people I represent and I resent being told when it is going to be shut down and how it is going to be, and I think Liberal members in the back bench should feel that same way.

There are two things that really bother me in terms of the motion: the deeming process that I talked about earlier, that it will come back here, we are going to prejudge what the committee has to say and it is going to come back here and we are going to deal with as a whole, regardless of what the committee members want to do with it or want to say about it; and second, the timing.

As I said earlier, it may have been done before. It was wrong then. It was wrong to set that precedent and it is wrong to continue with that precedent now. We should never be moving to shut down committee members in that kind of way, and I find it even unacceptable for me to accept the date of the 26th, because I still think what it does is tell honourable members: "We don't care where you are or what you have to say or what you want to contribute. The fact of the matter is the government House leader and a few other people want it in here and that's the way it's going to be. If you don't like it, too bad."

I think that is a total undermining of the committee process. If people do not understand that, I am not sure what is wrong, because we might as well just say: "Never mind committees, never mind public hearings, never mind public input. We'll come in here and we'll debate everything and every piece of legislation day after day after day in here as members. We will not allow for public input and we will not allow for change and we will do it here." You might as well take the committee system and scrap it, because by those two motions that is exactly what you do.

Finally, I am concerned about the timing of the motion. I find it interesting that the committees never saw this before, and what chance they

would have had to deal with it, given that there are six Liberal members on it in a majority. We can all appreciate it would have gone through in there too, but at least some of us may have seen it before it appeared on Orders and Notices today.

I find the timing a little bit more than coincidental that here we are trying to finish in a spirit of some kind of co-operation and these two things hit the fan today and we are expected to say: "Well, it's too bad. We would all like to get out of here and we'll accept it."

I am not happy with the amendment that has been put forward by my colleague. I do not accept it. My House leader knows that and I said that to him, because I think it is a terrible precedent that has been set already. We should not be continuing with it, and anyone who cares anything about the committee process in here should not find it acceptable either.

Hon Mr Ward: I think the honourable member may get to have closing remarks if it is his amendment.

I just want to indicate to the members of the House that in the spirit of co-operation spoken about by my colleague the member for Sudbury East, the government will be supporting the amendment, but I do want to speak very specifically to some of the points that the member tried to make and I think some points that were reinforced by the House leader from the third party.

All of us here have spent a lot of time over the years in committee. Looking around the Legislature, I see many members who work very hard and diligently on not only government bills but on other issues within committee and I just want to point out that there is one thing in the original motion that I think is fundamental and is being overlooked by members of the opposition. It is that the report of the committee shall be deemed to be received and adopted by the House.

I think my colleague the third-party House leader pointed out in his remarks that it basically gives an unbridled authority to the committee in that it says that what the committee decides will be accepted and adopted by the House. That provision is being deleted because, as I said in my opening remarks, I had one intent and one intent only, and that is that on these two very important bills they be put out for committee, for hearings and consultation during the recess.

On 19 March, this Legislature reconvenes. Without question, those are two very important pieces of legislation and they will be dealt with in this House by all members of this House, but I totally reject the argument that there is anything

in the original motion that undercuts the authority of the committee. It merely says: "You have the recess to deal with these issues. At the conclusion of the recess, they will deal with in the House by all members of the House."

The Acting Speaker (Mr Cureatz): Before I proceed, I will look for direction to the House leaders to ensure that we have a proper understanding of the process that is taking place. If I am incorrect, please speak up to make sure that we all have an understanding. Speaking to Mr Laughren's amendment to the motion, is it agreed it be carried?

Motion agreed to.

Mr Allen: Speaking to the motion with respect to the establishment of the select committee on constitutional and intergovernmental affairs, I want to say first of all that our party indeed supports the establishment of this committee, but I want to ask a question, which is, where is the motion that was inherent in the select committee's initial report which was adopted by this House concerning the Meech Lake accord and the companion resolutions that were part and parcel of that report?

Members will remember that in accepting it, this House also accepted a motion and a recommendation of that committee that a standing committee of constitutional and intergovernmental affairs be established in light of the obvious likelihood that there was going to be a whole series of constitutional issues rising in the subsequent months and years, of which the Meech Lake debate was only part, and which would lead us on to a succession of highly important matters that related to the Constitution of this nation.

1130

The first item that was to be addressed, of course, under the Meech Lake accord was the matter of the Senate. But we all knew that the question of aboriginal affairs and native self-government was highly central in the mind of the nation among many organizations and groups, not least of all the native peoples themselves, and that we were going to have to address that question.

We knew there were urgent concerns in the community at large and in particular among the multicultural community ethnic third nation, if you like, within our country, the third-language people, the heritage-language groups, that their place in the Constitution be recognized. There was a sense that in focusing continually on English, French and even English-French native

issues, somehow a whole reality of Canada was being ignored and that we were going to have to address, as a Legislature and as a committee, the very complex and difficult questions that arose out of those constitutional issues that were on the horizon.

If I might add, there has been some loss inasmuch as that standing committee was not appointed and is not even now being appointed, because we have seen a debate proceed in public with respect to the Meech Lake accord in which numerous matters that were addressed by the committee have been, from my perspective and from our party's perspective, fundamentally misunderstood. Those misunderstandings pervade through a public media that did not always understand the intricacies and complexities of some of the constitutional questions involved.

A standing committee would have been in a position to assist the government in responding adequately to those issues. Because if there has been one problem that has afflicted the debate around the Meech Lake accord, it has been that those who officially were its proponents—in the first instance, the federal government and in the second instance, the signing parties, the other provinces—let the whole issue proceed as though the elements of that accord did not need any further explanation or any further public defence or debate. In the course of that, a public attitude was generated which certainly has developed into a different kind of posture vis-à-vis that accord than this Legislature endorsed when it accepted the findings of the past select committee.

I regret that a standing committee was not put in place, but I might say better late than never and better a select committee than none. Certainly it is important that this House now grapple with the emerging issues that arise out of the public debate around the Constitution. We know that in the impasse one of the elements that may be of some significance in securing a break in the logjam would be the fact that the provinces that are signatories to the accord and the federal government as signatory to the accord moved to address the concerns that have arisen around the problem of the Senate and further constitutional reform on that subject.

I simply want to say at this point that our party has had an historic position with regard to the Senate, namely, that we think we can get along pretty well without it. This province appears to have no need of a second chamber. We have seen a second chamber that has been historically and

remarkably irrelevant to the national process of public debate, with a few minor exceptions.

Our sense is that the concept of a triple E Senate is certainly one that we would not want to endorse. To have two national constitutional bodies that are equally elected by the same electorates, equally effective and equally powerful at the national level, is a sure formula, from our point of view and from my point of view, for a national stalemate. But at the same time, we recognize that some provinces, in particular Newfoundland and others, have got a significant stake in getting into that debate and seeing if there is not some important progress that can be made nationally on it. We are certainly willing to engage in that debate and to look at it, which will be of course the first business of this committee.

May I say in conclusion, because I do not want to take the time, which is passing very quickly, in which we have to deal with a number of matters prior to rising at noon, that our party certainly supports the creation of the committee and looks forward to its work in the subsequent months.

Mr Eves: It is a pleasure, I think, to rise and speak to this motion this morning. I am speaking in favour of the motion to create the select committee on constitutional and intergovernmental affairs. However, I would point out that I, as my colleague has indicated, had the privilege of sitting on the select committee on constitutional reform, which reported back to this House in June 1988.

One of the recommendations we made at that time was that a standing committee on constitutional and intergovernmental affairs be created. We made that recommendation for several reasons, the most basic being that everybody on the committee, regardless of political stripe, was in agreement that the process we had seen with the Meech Lake accord, so-called, was not one that we were happy with or pleased with.

We would hope that the province of Ontario would take the lead, as it often has throughout our nation's history, in leading the way with respect to a select committee that would listen to the people and listen to the concerns of the people, as indeed we did about the Meech Lake accord, for further constitutional changes.

There were some other recommendations that were made by that committee as well. There was also a minority opinion, which my colleague the member for Nipissing (Mr Harris) and I put forward. One of the concerns that we had at that time was the very reality that we are dealing with now with respect to acceptance of the Meech Lake accord by all the provinces in Canada.

We pointed out several areas of major concern that we felt at that time could be best dealt with by some sort of parallel accord or some sort of a procedure by which those concerns could be dealt with at the same time that the Meech Lake accord was ratified. It would appear that is the path that Canada is eventually going to go down now anyway if there is any hope that the Meech Lake accord in any form is going to be adopted by June 1990.

It is unfortunate that we have wasted a great deal of time when we could have come to that conclusion. In fact, some of us did as early as June 1988. I think that this committee will serve a useful purpose, although I note by the wording of the motion itself that we are more concerned about consultation on Senate reform than we are about the Meech Lake accord.

I would have preferred that the committee would have had some very real input by this time, before this time, over the course of the past year or more, with respect to trying to do Ontario's bit to try to solve the roadblocks with respect to the existing Meech Lake accord and the concerns expressed by several provincial premiers about that.

I do not for a moment, of course, take away from the first minister of this province's duties and obligations with respect to constitutional reform, but I really thought that we had reached a consensus that was unanimously agreed to by every member of that committee, that we as legislators should have some very real input into constitutional reform in the future.

We could have started that procedure in July 1988, and had we done so, I think we might be a lot closer to consensus with respect to ratification of the Meech Lake accord in some form, perhaps with a parallel accord addressing the concerns that have been expressed by those provincial premiers. So although I am in favour of the motion, I am somewhat saddened by the fact that it does not cover everything that I think it should have covered, namely, dealing with the Meech Lake accord first and going on to Senate reform later.

Having said that, I say to the member for Niagara Falls (Mr Kerrio), I look forward to serving on this committee. I think it is indeed a very important one and I think I will find the work very interesting and hopefully rewarding.

Hon Mr Ward: Just very briefly, I very much appreciated the interventions of the member for Hamilton West (Mr Allen) and the member for Parry Sound (Mr Eves).

The member for Parry Sound made some references to the concerns that we all share relative to the Meech Lake accord and the tremendous work that has gone on, I believe, by all the premiers of the provinces in this country to bring about a national reconciliation on constitutional issues. The one point I would make is that, frankly, I do not think any province in this country or any Premier in this country has worked harder to achieve the kind of consensus that is necessary for that national reconciliation over constitutional matters.

The matter being referred to the select committee is a matter that is tentatively scheduled for discussion on 1 November 1990. All of us will recall some of the concerns about the ability of legislators and other Canadians to have input in those very difficult and sensitive negotiations that are necessary on these matters. I think this province is showing tremendous leadership in creating a mechanism by which there can be some input and some consideration by the people of this province at large, in advance of those very important meetings.

Motion agreed to.

COMMITTEE SITTINGS

Mr Ward moved that with the agreement of the House leaders and the whips of each party, committees may meet during the winter adjournment at times other than those specified in the schedule tabled today with the Clerk of the assembly to consider matters referred to them by the House or to consider matters designated pursuant to standing order 123.

Motion agreed to.

COMMITTEE REPORTS

Mr Ward moved that committees be authorized to release their reports during the winter adjournment by depositing a copy of any report with the Clerk of the assembly, and upon the resumption of the meetings of the House, the chairs of such committees shall bring any such reports before the House in accordance with the standing orders.

Motion agreed to.

COMMITTEE SUBSTITUTIONS

Mr Ward moved that the following substitutions be made to the membership of committees:

Select committee on education: Mrs Marland for Mr Villeneuve.

Special committee on the parliamentary precinct: Mr Villeneuve for Mr Sterling.

Standing committee on estimates: Mr Cousens for Mr Eves.

Standing committee on finance and economic affairs: Mr McLean for Mr Runciman.

Standing committee on general government, Mr Runciman for Mr McLean; Mr Wiseman for Mr Cureatz.

Standing committee on government agencies: Mr Sterling for Mrs Marland.

Standing committee on the Legislative Assembly: Mr Cureatz for Mr Sterling.

Standing committee on public accounts: Mr Harris for Mr Villeneuve.

Standing committee on resources development: Mr Harris for Mr Wiseman.

Motion agreed to.

The House recessed at 1144.

AFTERNOON SITTING

The House resumed at 1330.

EDUCATION FINANCING

The Speaker: Just before I call the first order under routine proceedings, I would like to remind the members that on Monday of this week the honourable member for Scarborough West brought to the attention of the House what he perceived to be a question of privilege affecting the Legislature as a whole.

He maintained that disrespect had been shown this chamber by public servants acting in a way that disregarded amendments made to a bill before it became law; that is to say, the public servants had prepared their action on the basis of the original bill and not on the basis of its amended form. Furthermore, the member objected to the fact that public servants were acting upon legislation before it had passed all the steps in the legislative process.

I have studied the representations made to me in the House on Monday, and after having considered them carefully, I must come to the conclusion that what we are dealing with here is an administrative error and not a contempt for this chamber. It is perfectly valid for the public service to proceed with plans based on a bill that is already in the system in order to be able to act swiftly once the bill becomes law. It goes without saying that if the bill is amended during the legislative process, then the public service must take note and act accordingly.

In the case before us, I am satisfied that the public service has indeed now taken note of the amendment that concerns us and has corrected any administrative error that might have flowed from this oversight. Therefore, I cannot find a *prima facie* case of privilege, as there seems to be no evidence of contempt. However, I do thank the member for bringing this to my attention.

MEMBERS' STATEMENTS

WATER QUALITY

Mrs Grier: Every year, the Ministry of the Environment issues a report on how the industries of the province that discharge their waste water into the province's waterways are complying with the rules of the Ministry of the Environment. This report is awaited with interest because it provides a factual yardstick against which the performance of this government, as opposed to its public relations, can be measured.

In 1987, the report came out on 26 October; in 1988, on 16 November. Earlier this year, during discussion of the estimates of the Ministry of the Environment, I asked when we might expect the report and was told, "Any day."

Today in the *Toronto Star*, we find a report that says that according to this awaited report on industrial dischargers, in 1988 only 122 of 168 industries had waste water that was under the province's annual average pollution limits, and just 77 were able to meet the government's requirements in monthly tests, while 91 exceeded the limits at least once.

We, of course, asked the minister's office for a copy of the report, and guess what, Mr Speaker—it is not available today. It is going to be available tomorrow, and tomorrow it is not anticipated that there will be a question period or a meeting of this House. So we are not going to be in a position to hold the Minister of the Environment (Mr Bradley) accountable for this very important action. Contrast that with the announcement last week by the Premier (Mr Peterson) that Ontario's fresh lakes were going to be a tourist area. Fresh they may be, but polluted.

ZEBRA MUSSELS

Mr Villeneuve: On 9 November this year, my colleague the member for Hastings-Peterborough (Mr Pollock) met with the Minister of Natural Resources (Mrs McLeod) and others who were concerned about the infestation of the zebra mussel. I was to learn, following this meeting, that the Minister of Natural Resources was not willing to take a lead role to find a control for the zebra mussel.

I now see in a letter to the township of Osprey dated 13 December this year that the ministry is co-ordinating Ontario government efforts to address this problem. It would be appreciated if the minister could inform the members of this House just what these efforts of co-ordination are.

Another concern is that the minister informed the member for Hastings-Peterborough that reports of zebra mussels in Cornwall were unconfirmed. I remind the House that this meeting took place on 9 November. Mr Speaker, imagine my surprise to read in the *Standard-Freeholder* of 8 December that the ministry first confirmed mussels in Cornwall back in September, at least one month prior to the meeting with the member for Hastings-Peterborough.

I wonder if the minister has confirmed and informed the municipalities in the Cornwall area of the zebra mussel find and the financial implications. As an example, the cost to Monroe, Michigan in October of this year ran \$50 million to replace water intake pipes. Now, only two months later, in December, the water flow has been reduced to a point where schools are shut and the fire department is unable to draw water from fire hydrants. This is a very real and important matter. It should be looked into.

HATE LITERATURE

Ms Oddie Munro: I am in receipt of correspondence dated 6 December from Local 794 CUPE, Hamilton Civic Hospital's union, Pat Whitfield, president, in which she draws to my attention the reprehensible hate literature distributed by a Hamilton group calling itself Youth Action.

In speaking with the union by telephone on Monday of this week it was confirmed that members had, in fact, removed many circulars containing discriminatory and inflammatory messages posted in the geographic area, including the Hamilton Civic Hospital, and that subsequently members of the local had instructed their executive to write, demanding an immediate investigation of this organization to determine the extent of violations of existing human rights legislation and related provincial guidelines and policy. I have therefore brought this incident to the attention of the minister responsible for race relations and the Ontario Human Rights Commission (Mr Wong) and to the attention of the Attorney General (Mr Scott) and the Solicitor General (Mr Offer).

Hatred-reinforced behaviour should not be tolerated in our society. It does untold damage to innocent peoples and reinforces attitudes and actions which are totally unacceptable to our community, province and country. Each community must deal appropriately with incidents and organizations who overtly or covertly reinforce supremacist philosophies. Far from being an alarmist reaction, such investigation ensures consistent review by authorized individuals or bodies. What we want is a peaceful resolution of questionable activities which may contravene the laws of the land.

EVENTS IN PANAMA

Mr R. F. Johnston: I rise to decry the invasion of Panama last night by the American forces. It is one thing to dislike drug-runners; it is one thing to dislike criminals, but it is another

thing to violate the sovereignty of a nation with military power. It is a very interesting thing that at this stage, when the other major imperialist nation is starting to withdraw its military forces and its influence, tyrannical as it has been on its sector, that the Monroe doctrine is alive and well in the hands of Mr Bush, the President of the United States of America.

It would be almost farcical if one thought about this in the abstract of, in the middle of the night a call to a presidential candidate that he was going to be appointed president and be sworn in by a judge who was found in the middle of the night, and then an invasion to be called shortly thereafter.

Why do we not have this kind of process started for Mr Ceausescu? Why do we not have him indicted in a Miami court and then go and have an invasion of Romania to make up for the terrible things that have been taking place there? Why is it that Mr Pinochet was not indicted in the same fashion and not removed years back? Why was the Guatemalan president not removed in exactly the same fashion? Why is it that the United States of America feels it has this right to invade a nation? Why should any other nation in that sphere feel secure, and how can we now, as members of the Organization of American States, be complicit in our agreement to this kind of process?

GOVERNMENT FUNDING

Mrs Cunningham: My statement today is directed to the Minister of the Environment. On 15 February he met with representatives of the Ontario Metis and Aboriginal Association, the organization which represents the 200,000 Metis and aboriginal people living off reserves in Ontario. OMAA expressed an interest in establishing an environmental co-ordinator position to assist OMAA's communities in understanding how government-sponsored or private sector initiatives might affect their traditional lands and resources.

The minister invited them to submit a written proposal, which he received in April. After further discussions between his ministry officials and OMAA, OMAA was told that his ministry's funding program excludes ongoing salaries.

1340

The Ontario Metis and Aboriginal Association operates on an extremely limited budget and has no funding for developing proposals. The association took this proposal very seriously; obviously the minister did not. He did not have any intention of funding this staff position and he led

them to believe that, by submitting a proposal, he would. Why does he not return their phone calls and explain his ministry's action? The organization should have been informed at the beginning of these discussions that it would not be eligible for funding. This is just another example of this government's inability to communicate with Ontario citizens.

SEASON'S GREETINGS

Mr Faubert: In keeping with this Christmas season, I have a story once told to me by my father, but recently published by Dr Spencer Johnson. Once there was a little boy who, at this time of year, asked his father what he was going to get for Christmas. His father told him then about the precious present. "It is a present because it is a gift," he said, "and it is precious because anyone who receives it is happy for ever."

The little boy wished that someone would give him this precious present for Christmas, but he did not receive it. As the boy grew into a man he always wished for, but never received, the precious present, and he was disappointed. He travelled the world, acquired wealth and fame, searched for but never found the precious present. He then returned to ask his father, but his father had passed on. He was saddened by this loss, but also felt now that he would never learn the secret of the precious present.

But he remembered what his father had told him, that it was wise to remember and to learn from the past but not to live in the past, that it is wise to think about and plan for the future but not to live in the future. He then realized the simple secret of the precious present. It was just that, not the past, not the future, but the present—the precious present. And he knew he really had his family, his friends and his life to enjoy now, in the present. He finally understood that he had received the precious present and he was at peace with himself.

Mr Speaker, may I take this opportunity to wish you and all colleagues on both sides of this House best wishes in this happiest and blessed of seasons and wish that all may this Christmas receive the gift of the precious present.

ELECTRICITY DEMAND AND SUPPLY

Mr Charlton: The release yesterday of Ontario Hydro's preferred plan, I think, aptly demonstrated the contention that a number of us have made over the last number of years that Hydro is not really seriously interested in energy efficiency and conservation in the province of

Ontario. The predecessor to the Minister of Energy, in the role of minister, stated on a number of occasions that he was not satisfied that Hydro had done enough to bring energy efficiency into its planning process and, ultimately, into the electrical energy system in the province of Ontario.

I would ask that the current Minister of Energy proceed to determine whether she is satisfied, in consultation with her predecessor on the views that he held, as to whether Hydro has done the job properly, understanding that although it has changed the numbers slightly, Ontario Hydro has not increased its estimates of its ability to enhance the system with energy efficiency in Ontario. The only changes in the numbers are as a result of extended time lines in the plan that was tabled yesterday.

It is time that this government started providing the leadership and the direction to Ontario Hydro in order to accomplish the things that ministry studies show are possible.

TAX INCREASES

Mr Pope: As the Treasurer (Mr R. F. Nixon) manoeuvres this province into complicity with the federal government in the administration of tax policies and the collection of taxes from the people of this province on a joint administrative basis, I find his comments in the *Globe and Mail* yesterday rather revealing.

As reported in today's *Globe and Mail*, Mr Nixon "repeated his call for Mr Wilson to exempt municipalities, school boards, hospitals and universities from the GST. Nor is the province happy about the application of the GST to new housing, which Mr Nixon said would make it more difficult for people to afford to buy a new home."

If Mr Nixon is so concerned about the tax burden on transfer payment recipients, then perhaps he could have exempted municipalities, hospitals, school boards and universities from his own employer health tax, something he has refused to do despite the repeated requests from the opposition.

As to the negative impact of the goods and services tax on the affordability of housing, the Ontario Treasurer should be reminded that his own government increased the land transfer tax, increased the sales tax rate and broadened the sales tax base and will implement a lot levy program which will add thousands of dollars to the cost of a new home. Given the record of this administration, it is difficult to see what more this Treasurer can do to make housing less

affordable to the people of the province of Ontario.

Mr Turner wants to lead a tax revolt because of 32 tax increases at the federal level since 1984. This government has had 32 tax increases since 1985 and has ripped the taxpayers off for more than the federal government ever could.

KATIE HARRIGAN

Ms Poole: Today, I would like to introduce a young constituent of mine who is present in the members' gallery today. Katie Harrigan is a grade 5 student in north Toronto. Several months ago, in a contest I sponsored at the north Toronto fall fair, she won, and so today she acts as the junior MPP for Eglinton. The only trouble is, if she does too good a job, I am sure my staff will be eager to have her replace me.

[Applause]

Ms Poole: I notice the opposition claps loudly for that one.

Katie is here to discover what it is that a politician does by living a day in the life of an MPP. She has explored the government buildings. She has gone down to the Office for Senior Citizens' Affairs and participated in a staff meeting. This afternoon, she is going to be active in question period and then pay a courtesy visit to the Premier.

We hope it will provide some interesting and meaningful insights into the world of politics. Maybe we have even found ourselves a future leader. I would ask my colleagues to join me today in welcoming Katie Harrigan to Queen's Park.

STATEMENTS BY THE MINISTRY

POLICE SERVICES

Hon Mr Offer: It gives me a great deal of pleasure to announce today the introduction of a bill which represents the first comprehensive review of policing legislation in Ontario in over 40 years. The Police Services Act represents a cross-roads in policing. It embodies a new vision in government policy, policing practices and community attitude which stresses the value of police service over police force.

Making our streets and communities safe and secure by enforcing the law remains a vitally important function of the police, but it is now recognized that crime prevention, education and community-oriented services are as much a part of policing as law enforcement. For example, in the areas of sexual assault and spousal assault, police act not only as law enforcement officers

but also provide much-needed assistance to victims.

The men and women of Ontario's police forces also reach out to our communities to provide education ranging from traffic safety, drinking and driving to drug awareness. These are extremely valuable services which the police perform. They are all part of the contemporary concept of community policing, with its emphasis on provision of service.

The role of Ontario's police has evolved to meet the challenges of today's policing environment, but their legal framework, the Police Act, has fallen behind. And so, as stated in its title, the new Police Services Act reflects the changing role of police.

The act is founded on a declaration of principles which recognizes the need for close working relations between police and the community; providing safety and security of all persons; sensitivity to the multiracial and multicultural reality of Ontario; respect and sensitivity for victims of crime, and provision of policing services consistent with the spirit of the Charter of Rights and Freedoms and the Ontario Human Rights Code.

This emphasis on service reinforces the government's determination to ensure the highest quality police service to all citizens of Ontario. Members will note that when enacted, the Police Services Act will also provide a framework to accommodate recommendations and directives which have already been announced.

These include the implementation of mandatory employment equity programs in all police forces; a special investigations unit, and provision for a regulation on police pursuits. In addition, this bill will provide for a province-wide public complaints system applied to all police forces, which provides recourse to a civilian complaints commissioner.

1350

This act is designed to strengthen police services by providing police officers and chiefs of police with clear direction and a more precise definition of their roles and responsibilities.

As members will be aware, a crucial element of policing in a community is the local board of commissioners. This commission will now be known as the municipal police services board and will become mandatory for each municipal police service in Ontario. The legislation will, for the first time, provide a clear definition of the roles and responsibilities of these boards in setting guidelines and establishing policing

policy in the community. As well, these boards will ensure that policing meets provincial standards.

This act will further strengthen police service by providing, for the first time, uniformity in standards and effective guidelines to let the individual officer know his or her rights and responsibilities.

Through this legislation we are recognizing the value and importance of our system of law enforcement and the contribution which the men and women of our police forces make each day to maintain safe and secure communities.

The bill which I am tabling today is the product of an extensive process of review and consultation by my ministry together with the policing community, the Ministry of the Attorney General, other government ministries and the work of the Race Relations and Policing Task Force.

The Police Services Act is legislation for the people and the police. It will support and encourage their partnership.

CENTRE FOR WOMEN'S HEALTH

Hon Mrs Caplan: I am very pleased today to join with my colleague the Minister without Portfolio responsible for women's issues (Mrs Wilson) in announcing a community health centre devoted to women.

The new community health centre will serve women living in the Metro Toronto area. It will provide them with basic and specialized health care services in addition to health education and promotion and counselling services. I am pleased to inform the House that the Centre for Women's Health will pay special attention to immigrants, teens, disabled and older women. The clients of the centre will be actively involved in developing the programs.

As members will know, the Ministry of Health believes that it is important to place emphasis on health education and on promotion so that people can make knowledgeable healthy lifestyle decisions. We have a health care system in Ontario which we know is second to none. As we move towards the 1990s, towards that vision this government and the Premier's Council on Health Strategy have articulated so well for us, I want to stress that our vision will be achieved with the goal of quality assurance and appropriate care for everyone in this province.

We know that health care is not just the treatment of illness. It is a combination of elements involving not just hospitals, not just physicians, not just nurses and other health care professionals, but the people, individuals and

patients as well. In Ontario, research tells us that approximately 80 per cent of services provided within the system are appropriate, quality care. Probably, because we are human and fallible, we will never reach 100 per cent, but one of the things we did in the past year was to focus on striving for continuous improvement in the delivery of health services.

Members have heard me say this before: We want to make the Ontario health care system incrementally better for every citizen and to do it, first, by concentrating on the challenges of the pressures on the system and, second, by doing this with the full co-operation and partnership with everyone involved in health care delivery. Last year we concentrated our efforts on many health care initiatives identified by communities, and this women's centre is another important example of our commitment.

Operations at the centre will be phased in over three years. The Ministry of Health is providing the Centre for Women's Health with initial operating funds of \$160,671 and one-time funding of \$397,000 for startup expenses. An annual operating budget of about of \$1.9 million is expected when the centre is fully operational.

The centre will also provide consultative services on women's health issues to family physicians and to the existing network of community health centres in Metropolitan Toronto. We are confident that the centre will be a valuable resource for women, for health care professionals and for other service providers.

I would like to thank everyone who has worked so hard to get this centre started. Because change is so challenging, I would also like to thank everyone providing services in the health care system, thank them sincerely for their dedication and for their efforts over the past year.

The centre's steering committee is looking for a site for the centre. Doctors, nurses, health promotion workers, outreach workers, social workers and a nutritionist are among the staff to be hired. It is estimated that between 8,000 and 10,000 women per year will use the centre when it is fully operational. I would also like to inform the House that the Metropolitan Toronto district health council supports this initiative. Community-based care is an integral part of our health care system. There are now 30 community health centres approved in Ontario; 23 of those are in operation and they are expected to serve about 110,000 people next year.

In August 1987 our government committed itself to doubling the number of people served by community health centres over a five-year

period. I am pleased to report to the House today that we are already more than 90 per cent of the way to achieving that goal.

The Speaker: The Minister of Education, Colleges and Universities and Skills Development.

Hon Mr Conway: Must you, Mr Speaker?

EDUCATION OF HEARING-IMPAIRED

Hon Mr Conway: I am none the less pleased today to release the Review of Ontario Education Programs for Deaf and Hard-of-Hearing Students, a review that I know my friend the member for Scarborough West (Mr R. F. Johnston), among others, will read with great interest.

This report contains the findings and recommendations of two committees. The first, an internal review committee, included representatives of school boards and of the provincial schools for the deaf; the second, an external review committee, was comprised of experts in deaf education and other educators not employed by the jurisdictions under review.

This committee was ably chaired by Donald Rutledge, former associate director of the Toronto Board of Education, and was composed of the following members, three of whom are themselves deaf: Dr Gary Bunch, associate professor in the faculty of education at York University; Joseph McLaughlin, principal of the Alberta School for the Deaf; Dr Carol Musselman, associate professor in the department of special education at the Ontario Institute for Studies in Education; Dr Michael Rodda, professor in the department of educational psychology at the University of Alberta; Dr Roslyn Rosen, dean of continuing education at Gallaudet University, Washington, DC, and Dr Richard Stoker, director of the Central Institute for the Deaf in St Louis, Missouri.

During the past year both committees have studied provincial and school board programs for deaf and hard-of-hearing students with an English-language background. The committees held 11 public meetings across Ontario and received more than 130 submissions, delivered in writing, speech or sign language.

Among the major recommendations are the following: that the Ministry of Education begin a pilot project to investigate the use of American sign language as a language of instruction; that teacher training for deaf education be transferred to one or more of the Ontario faculties of education; that affirmative action programs be developed to increase the number of deaf and

hard-of-hearing persons who are qualified teachers of the deaf.

I am inviting those with an interest in this special field of education to examine and to react to these recommendations put forward by these two committees. The Ministry of Education will begin immediately to give careful consideration to these recommendations. The ongoing input of individuals and groups, including parents, educators, organizations representing the deaf community and school boards, will assist the ministry in developing an action plan in response to the review. I expect that the first steps in this response will be in place by September 1990.

I would like to take this opportunity to thank all the individuals and groups that contributed in any way to this very important review. Special thanks should go to the members of the internal and external committees, who devoted so very much of their time and energy to this most important undertaking.

1400

I would also like to thank the representatives of organizations who served as members of the advisory committee and the 13 school boards from across Ontario that participated.

Finally, I wish to acknowledge the contribution of my colleague the Minister without Portfolio responsible for disabled persons (Ms Collins) and her staff at the Office for Disabled Persons.

The Ministry of Education has also conducted a separate review of programs for deaf and hard-of-hearing students with a French-language background. As well, the Ministry of Colleges and Universities has reviewed educational opportunities for deaf and hard-of-hearing students at the post-secondary level. It is expected that the reports of these reviews will be available in the new year.

The report that I am tabling today is the product of a comprehensive study that brought together a wide spectrum of those involved in deaf education. Indeed, I believe that such a thorough review of deaf education programs and services has never before taken place in Canada and I am confident that the review will lead to improved educational programs for the deaf and hard of hearing.

RESPONSES

CENTRE FOR WOMEN'S HEALTH

Mr Reville: New Democrats applaud the announcement of a community health centre devoted to women. We deplore the continued refusal of the Minister of Health (Mrs Caplan) to

require that the discussion of the future of Women's College Hospital be both public and participatory. Even as the minister announces an important new health opportunity for women, Women's College Hospital is in grave peril: Give with one hand, take with the other.

EDUCATION OF HEARING-IMPAIRED

Mr R. F. Johnston: It is with some delight that I respond to the Minister of Education's finally tabling at this late date—we hoped for it in September—of the reviews that have been done on deaf education. It was on 5 May 1988 that I introduced the resolution which got this under way. I must say we often do not see the fruits of our work here so quickly and I am delighted with it.

I might say that in the gallery today we have many deaf and hard-of-hearing people who participated so well in this process and made it have the very positive results that it has today, and on that I am also delighted to see them all here.

I think it is important to say that there is a great difference between the internal review and the external review. I will not characterize the internal review, but I will say that the external review is incredibly progressive and very exciting to see and I hope that is where the majority of the government's reading takes place.

I want to say that the minister made it sound that like all that was recommended was a pilot project for American sign language. In fact, what has been advised here is that by 1991 American sign language be a language of instruction. I think that is a wonderful recommendation.

There is also a great recommendation for a centre for deafness studies and another one on an Ontario board of deaf education so that finally families and children in the system will have some say and control over the schools for the deaf in the province. I think this is a wonderful step forward and I encourage those in the community to keep up the pressure so that we get the changes that are advocated here as quickly as possible.

POLICE SERVICES

Mr Kormos: It probably does not come as much of a surprise that the announcement regarding the new Police Services Act would be timed as it is. Indeed, it is timed in such a way that it is presented on what will probably be the last day of this House sitting before a hiatus of some two months, which means that the act will not be undergoing the legislative scrutiny that it

would have were it presented in a more timely fashion.

This warrants some serious about the content of the comments of the Solicitor General this afternoon. There appears to be something of an emphasis, on his part, on getting the police out there on to the street and having them solve crime. The fact is that, as it is right now in this province, we are sending good police officers out in the street telling them to fix crime and giving them broken tools or no tools whatsoever. We have a court system here in Ontario that is bogged down, creating trial delays and generating acquittals and dismissals of serious charges, not because people are not guilty, but because the system has not been updated or designed to accommodate the trials and the matters that are brought before it.

There is absolutely nothing in this proposal that would redesign and respond to criticisms of police commissions, in particular patronage appointments on police commissions, generating police commissions that are loaded down, bogged down themselves with patronage appointments who do little to advance the cause of that respective commission but rather impede or interfere with the effectiveness of a commission in a given municipality.

There is absolutely nothing in this proposal about easing the incredible burden that is being forced upon municipalities across Ontario when it comes to the cost of policing. This government has cut back on the funding it has provided to municipalities in Ontario. It shows every intention of continuing to do so, forcing more and more of the responsibility for providing these services on to the backs of property owners in municipalities. It is not only just not fair, but it is a contradiction to whatever the Solicitor General would have us believe this afternoon about his commitment to high-quality policing in Ontario.

A final comment that has to be made is on the myth that this Solicitor General wants to generate—It is not new for this government to generate myths—the talk about the process of review and consultation. Once again, what consultation? There are police officers across Ontario, in large municipalities and small municipalities, who when they hear that there has been consultation will say: "When? Where? How could it possibly happen without my having known about it?"

What this legislation requires is thorough and complete consultation with police officers, constables on the street and chiefs from municipalities across Ontario.

The Speaker: I have been listening for the last little while, and there are a lot of private conversations. They may be necessary, but they are terribly noisy.

EDUCATION OF HEARING-IMPAIRED

Mrs Marland: The statement by the Minister of Education (Mr Conway) this afternoon is just a further confirmation that this Liberal government is finishing off the year the way it started. When they receive a report with recommendations, they then decide that they will study it and have another report and further investigations. I think it is unfortunate that the Minister of Education has missed the opportunity this afternoon to bring some wonderful news to those parents and families who live every day with the lack of opportunity for deaf and hard-of-hearing students.

The fact of the matter is that the information is in. It does not need further input. I think it is almost an insult where the ministry is saying that it will welcome further input from those groups that work with these students every day. I think to suggest that they will now give careful consideration to these recommendations is really a tremendous disappointment for those people. Would it not have been wonderful if the Minister of Education had stood in the House this afternoon with some good news and a very positive announcement about what exactly the ministry was going to do, not talking about a further review and perhaps starting something in September 1990?

Addressing the concerns of the deaf and hard-of-hearing students and their educational opportunities in this province has been long overdue. The information is there. It does not need more review and more study. I respectfully suggest to the minister that maybe he could start the new session in March with some good news, positive announcements of action, instead of continuing the old "Hey, rube" approach of this government, which is, "We'll study another report and we'll look at it again."

Mrs Cunningham: In response to the same notice by the Minister of Education, we would urge the minister not only to respond by September 1990 but to take action by September 1990. The Ontario Association of the Deaf wants now the American sign language as the language of instruction in schools. They would support strongly the teacher training for deaf education that has been mentioned and recommended in the report today, but we should be starting on that now, in September. I expect the minister to stand

up very shortly and make that statement. Assurance that the three schools for the deaf remain open is important to the families in Ontario, and that assurance must be given very soon so that they can make plans for next September. Placing these children in regular classrooms is fine for some, but most need the special education in the schools that are there now, and we expect to support the same three schools that are there.

I hope the Minister of Education will take these comments very seriously.

1410

POLICE SERVICES

Mr Brandt: I want to briefly respond to the comments of the Solicitor General (Mr Offer) in connection with the Police Services Act. I would like to say that we agree with the minister to the effect that policing is going through a very sensitive transitional period in Ontario and we recognize certain changes are going to be necessary and needed to bring about a more modern response, a more effective response to the changes we all recognize are so essential.

I would like to say to the minister, however, that I think he should recognize, as I know the Attorney General (Mr Scott) does, that it is not a picnic on the streets for the policemen of this province. They need the support and a very clear mandate from the Solicitor General with respect to their responsibilities and how they are to carry them out.

We all recognize that a very substantial increase in crime has been occurring. The incidence of drugs is increasing on our streets, and the incidence of violence, family violence and a whole host of things that require a new response.

As we study this proposed legislation, one of the things our party will be looking for is that sensitive balance. I recognize it is difficult to achieve, but on the one hand we have to be absolutely certain the police have the tools and what is necessary for them to carry out their responsibilities, and on the other hand we have to be absolutely certain that the public's interests and the public's rights are also adequately protected at all times.

It is a difficult job. We do not look at this as a political matter but as one that is very much community oriented and one we would to co-operate with the Solicitor General on undertaking.

Mr Speaker: That completes the allotted time for ministerial statements and responses, and I

hope it completes a lot of the private conversations as well.

Hon Mr Ward: Mr Speaker, I would like to seek unanimous consent for some remarks by the House leaders.

Agreed to.

MEMBER FOR NIPISSING

Hon Mr Ward: It was with some regret that we learned yesterday that the member for Nipissing (Mr Harris) will be spending today as his last day as House leader for the third party.

I wanted to take this opportunity to say how much I have appreciated working with him over the past few months. He brings to his responsibilities a calm and commonsense approach.

Members will know that I have not worked as long with this particular House leader as perhaps others in this House have so I went to both my predecessors to ask if they had any good things to say about the member for Nipissing. I consulted with my colleague the member for Renfrew North (Mr Conway) and he said he would get back to me later. I went to the member for Brant-Haldimand (Mr R. F. Nixon) and he said, "No, I can't help you."

But to the member, I want him to know that in the short period of time I have had to work with him I have found him to be very reasonable, very firm at times, and at times to have made a valuable contribution to the workings of this House.

I know he is looking forward to having a little more free time to pursue other endeavours. No doubt, perhaps during the course of the next few months, he will be able to improve his golf game or whatever it is he is up to.

Mr D. S. Cooke: I will just take a couple of minutes because I did not prepare any notes and there are not a lot of things that come to mind very quickly.

However, it has been an interesting, and at some times enjoyable period of time that I have been able to work with the Conservative House leader over the last couple of years. There have been some times in this House when the member for Nipissing and I have worked very closely together, most of the time either in my office or his over coffee, certainly never any—

An hon member: Coffee?

Interjections.

Mr D. S. Cooke: Of course. They were always business meetings.

The one thing I learned from the member for Nipissing was that whenever we walked out of

his office or my office, I was getting very frustrated because he would get to the scrum before me. I thought that as the official opposition I should get to the cameras first. I tried a couple of times and my ribs are still bruised. He has better elbows than Gordie Howe did.

We are going to miss him. I think he contributed to getting this House to work closely and well together. Perhaps if the member for London North (Mrs Cunningham) wins, the member for Nipissing will be back at the House leaders' meetings and all will be back to normal. We wish him the best of luck and congratulations on many years of good service as House leader.

Mr Harris: I really did not know this was about to take place today until my leader informed me just a few minutes ago.

Hon Mr Elston: Name names.

Mr Harris: Yes, name names.

I do not know why it is that nice things are said about me now. That has not been my experience of the past four years. I think it was Churchill who said this: When one of his opponents whom he had tangled with in the House had passed on and the news was relayed to Mr Churchill, it was said, "Now, you must go in and say a few nice words." Churchill responded, "Before I say any nice words, I want to know for sure he is dead."

There are many who suggest that what I have indicated and plan to embark on is one and the same as what happened to Churchill's opponent. I do not happen to think so and I am looking forward to it very much.

I want to say briefly how much I have enjoyed the experience. For the past four years I have had a unique opportunity to see and, to do my job properly, to understand this Legislature much better than I ever did before and to understand the perspective of three different parties as I never had to before, both on legislation and on political agendas. Once you understand that and accept it, which is sometimes tough, I think you are able to function in that capacity as House leader.

We have seen substantial changes made to the rules. I have been very fortunate to have been part of that. I have had the tremendous opportunity to work with very talented individuals: the current Treasurer (Mr R. F. Nixon), the current Minister of Education, Minister of Skills Development, Minister of Colleges and Universities et al (Mr Conway), and certainly the member for Windsor-Riverside (Mr D. S. Cooke) and the former member for Bellwoods, now of labour fame. All I have enjoyed working with. All have contributed to the process and all have helped me to that better understanding and to a sense that

there is more than one's own viewpoint or one's party's own viewpoint. If I have learned that much from it and if those who have been with me and who will follow me learn that much from it, it will be something.

Hon Mr Scott: Think it but don't say it.

Mr Harris: The Attorney General (Mr Scott) interjects. It would be a great position for the Attorney General. There is something to be learned from all those hours of behind-the-scenes work.

Let me finally say my very great thanks to my caucus for having given me the opportunity, to the member for Parry Sound (Mr Eves) who as whip has filled in very ably for me, and probably most particularly of all to the member for Carleton (Mr Sterling): Whenever it came to the hard, behind-the-scenes work, the negotiations with the other parties on the rule changes and on the nitty-gritty daily hours and hours of work, the member for Carleton was always there.

I thank all of them very much.

1420

ORAL QUESTIONS

ELECTRICITY DEMAND AND SUPPLY

Mr B. Rae: I have a question for the Premier. A little-known document accompanied the announcement by the Minister of Energy several months ago when, at that time, he announced the Power Corporation Act. I am referring to the memorandum of understanding between Ontario Hydro and the government.

Under this memorandum of understanding, the stance the Premier took yesterday, that Hydro was a child of which he had no knowledge and was not going to take any responsibility for, is clearly belied by this document. The document clearly states that what Ontario Hydro did from that point on had to be entirely compatible with the objectives of the government. The memorandum established a committee of five, chaired by the Premier, called the Hydro committee, to promote the accountability of Ontario Hydro.

I want to ask the Premier, in his role as chairman, did he and his committee meet with the president of Ontario Hydro to discuss the long-term strategic plan, and in particular what did he tell the Hydro board and the president of Hydro when asked about the responsibilities to be carried out in a manner compatible with government policies?

The Speaker: Thank you. That is a fairly lengthy question.

Hon Mr Peterson: We meet on many occasions. As the member knows, I had some very strong views on Ontario Hydro and the kind of relationship with the government. Those have now been implemented through the Power Corporation Act and through the memorandum of understanding. We meet regularly. They express their views and we express our views. There is no question about that. The member should look at the changes that have gone on in Ontario Hydro because of the changes in government policy.

Mr B. Rae: I am trying to find what those changes are. The only change I can detect is a change from the leader of the Liberal Party, who in 1983 said, "It's madness to keep rushing headlong into such a nuclear future when so many serious questions go unanswered," or who said on 28 January 1984: "I do not see it [nuclear power] as an end. I see it as only something to tide us over until we get to the ultimate energy solution." The Premier in 1984 referred to Hydro as a monster.

Since the Premier he has been good enough to tell Hydro what his views are with respect to the future of energy generation, electrical generation in Ontario, perhaps he would be good enough to share those views with the people of Ontario so we can find out what his policies are. The Minister of Energy (Mrs McLeod) did not tell us yesterday what her policies are. What are the Premier's policies, as opposed to—

The Speaker: Thank you.

Hon Mr Peterson: There is nothing incompatible with what I have said and what has happened with Ontario Hydro. The member is quite right. I did refer to that as a monster out of control. Does he remember the former Minister of Energy, Jim Taylor, who talked about being mugged in the corridors of power by the officials at Hydro? Was that not the case? I can tell members that they did not mug us; we mugged them. That is what happened.

Members should look at what has happened in the Power Corporation Act. They should look at the independent look at nuclear safety of Professor Hare. They should look at what has happened with independent nuclear costing. I can tell members that we have done exactly what we have said. They have proceeded with cogeneration programs. They have proceeded with active and aggressive programs for conservation.

My honourable friend said he is not aware of this, but he has been absent, obviously, on those critical days in the House in the last four years

when this enormous progress has been made. Now they have laid a plan before the member and he can share his views on the matter.

Mr B. Rae: The question of who is the mugger and who is the muggee strikes me as an interesting one. If the first minister is saying that he is the person who is responsible for bringing Hydro to heel and to rein, can I then assume from what has taken place that the proposal that comes from Hydro is his own? Is that what he is now saying, that since he has successfully reined in Hydro and since he has successfully mugged Hydro and since he has wrestled Hydro to the ground, he is now prepared to take responsibility for the present Hydro gave us yesterday?

Hon Mr Peterson: I probably overstated the position. We have successfully mugged the member; that is what I should really have said.

Let me say that the situation, as my honourable friend knows, is the following. Ontario Hydro has put forward its view on the demand/supply options, both on demand and on supply. That will be subjected to a full environmental assessment. I can tell him this: At the end of the day, obviously the plan will have to be approved by the government. There is no question about this.

Even his members on the committee signed on to the select committee report that said they did not preclude any supply options pending a review. Even some members of his caucus, I guess just a few months ago, signed that report. He may have written some things off at this moment; they have not. They approach it with an honest, open, intellectual approach, unknown to some other members of his caucus.

I can say that if he has views on it, we want to hear them. So far we have not heard them. He may have some better ideas, although I would be very surprised if he does, but we will encourage him to bring those forward and present them to the people of this province.

Mr B. Rae: I think that is called having it both ways.

WORKING POOR

Mr B. Rae: I would like to ask the Premier a question about what is happening now as we head into 1990 in terms of our economy, and in particular about the way in which the economy is generating poverty.

One of the facts that I think has been the most difficult for all of us to come to terms with is that not only do we have so many people using food banks and not only do we have one in three kids going to school hungry, but the only conclusion we can draw from this is that of the people who

are using food banks and the kids who are going to school hungry, many of the parents of those kids are working and many of the people who are using food banks are working.

I want to ask the first minister what he is going to do to deal with this problem of the working poor, to deal with the fact that there are hundreds of thousands, indeed millions of people who are working today who simply do not have enough to provide for themselves and their families?

Hon Mr Peterson: I think the minister can tell my honourable friend of various programs we have to address the problems he speaks of.

The Speaker: The question is referred to the Minister of Community and Social Services.

Hon Mr Beer: The Transitions report that was presented to the government a year ago looked at a number of specific problems that dealt with those who were on some form of social assistance, and also at the problem of those who were not necessarily on social assistance but who were facing problems in making ends meet.

The Leader of the Opposition has noted the problems that presents in terms of health and education for many young people. I think the approach we have taken is to try to be very specific in focusing on children, on child poverty, on the plight of single parents and to recognize that there is no one simple answer.

Clearly the reforms that were undertaken during the past year, the \$415 million, and the changes that will take place next month in terms of basic shelter where we are adding some \$119 million, and in basic needs where we are adding a further \$120 million, will provide funds to those who need them.

We recognize that there are related issues—

The Speaker: Order. It seems like a fairly full response.

Mr B. Rae: I am sorry the Premier cannot answer a question that is so basic to the condition of life for hundred of thousands, indeed millions of people across the province. I say to the minister who responded that I am not talking about social assistance right now. I am talking about people who are working for \$4.75, \$5 or \$5.25 an hour and who have to support their families on that kind of a wage. There are hundreds of thousands of those people.

I have not heard a single announcement from this government that talks about what it is going to do for the working poor. I am not talking about social assistance programs. I am talking now about what it is going to do for people who are working for a living and whose kids are going to

school hungry. Not every kid who goes to school hungry has a mother or father on welfare. Many of those parents are working.

I want to ask the Premier again why the government has not put as much emphasis on what is happening to the working poor as it has—

The Speaker: Order. I hope you meant the minister.

1430

Hon Mr Beer: I think it is important to note that in other areas we are trying to deal with issues to bring about relief for those who are receiving wages and are not on social assistance and to provide help for children.

There are a number of things in terms of tax assistance, kinds of programs for job retraining, for upgrading of skills so people can move into jobs which will provide greater funds, and with respect to children, a number of programs where the Ministry of Health, the Ministry of Education and the Ministry of Community and Social Services are working to try to ensure that they have a better nutritional balance and that they are able to receive adequate health care.

These are all things which are going forward. Clearly, as the economy changes, that puts greater pressure on that system. Through programs in the Ministry of Labour and through various activities of the Ministry of Industry, Trade and Technology, we want to be able to provide jobs that will give to people the funds that they require to meet their daily needs.

Mr B. Rae: I want to ask the minister a very simple question. It has been about a year and a half since the Social Assistance Review Committee report came down in September 1988. I want to ask the minister quite directly why it is that the government has as yet responded not at all to any of the proposals contained in that report dealing with people who are working and who are poor, in terms of increasing the minimum wage and other income support proposals that have been put forward.

There are some very fundamental questions about the kind of economy that is going to take us into the 1990s, an economy which, yes, generates jobs: jobs that are part-time, jobs that are low-paid, jobs that are flipping hamburgers for a living that are not enough to support a family. That is the kind of economy we are in danger of creating in Ontario.

My question for the minister is, why is there nothing in place now for the working poor as we head into a new decade, nothing at all?

Hon Mr Beer: I think there are several specific things that have happened. This govern-

ment brought in a wage enhancement policy, some \$88 million that was added to assist those who are at the lower end of the wage-earning scale. We are moving forward with the program of pay equity. We brought in changes specifically asked for in the social assistance review for the cancelling of OHIP premiums which, as the Treasurer (Mr R. F. Nixon) has noted, will add some \$700 million to the economy. These are specific.

We recognize that more needs to be done. We have made a commitment that we are going to continue with the program of wage enhancements for those who are working, particularly women, in fields that have traditionally just had women in them. I think what the member has to be looking at is how that commitment is carried out and, to date, we have moved to deal with very specific areas. We have done that and we will continue to do it in the new year.

YORK REGION LAND DEVELOPMENT

Mr Harris: I have a question for the Premier about the \$8 million in taxpayers' money that is missing in the town of Richmond Hill. It appears to me that at least four government ministries share responsibility, or at least have a vested interest in getting to the bottom of this extraordinary situation that has gone on for some time: The Ministry of Municipal Affairs, the Ministry of Treasury and Economics, the Ministry of the Solicitor General, through the OPP, and the Ministry of the Attorney General. It may involve others. We do not know.

The person ultimately responsible for determining where we go from here, I suggest, is the Premier. Can the Premier tell us when he first learned about the missing \$8 million, and is he satisfied that the government of Ontario has been doing all that it can do to help the ratepayers and the town council of the town of Richmond Hill get to the bottom of this whole mess?

Hon Mr Peterson: I think the minister can bring my honourable friend up to date on the details.

The Speaker: It has been referred to the Minister of Municipal Affairs.

Hon Mr Sweeney: My honourable friend will be aware of the fact that the ministry worked with the council of Richmond Hill last spring to do an administrative review. As a result of that administrative review, a suggestion was made to Richmond Hill that it ought to bring in forensic accountants to take a much more detailed and much more expert look at its books. The forensic accountants reported to the council of Richmond

Hill last evening, I believe it was, and that is when we first found out about the \$8 million.

I want to be very clear, however, that the report of the accountants was that there was \$8 million unaccounted for. They were very clear to say that that does not necessarily mean that the money is missing. It may very well be, but "unaccounted for" means several other possibilities in terms of the way in which the bookkeeping is done, in the terms and the way in which bonds, cheques and things like that are held in trust.

The accountants have clearly indicated to the council that there is a problem there. They are meeting today with the regional police force in York and they have also contracted to meet with the OPP. Those three activities are going to be ongoing.

Mr Harris: The ratepayers of Richmond Hill, municipal officials, the media and indeed members of this Legislature have been reporting problems to this Legislature, to the minister, to the Premier and to other ministers now for close to two years. I suggest to the minister that it is not a matter of whether this government will respond. I think it has to respond to this issue. Obviously, it is not going to get sorted out on its own.

The minister was petitioned to launch an investigation into these affairs more than a year ago. Again, last August, he was petitioned by the ratepayers and, it is my understanding, with an acceptance of the town council when the first \$1.1 million was reported missing. I ask the minister again today, on behalf of the ratepayers and the town of Richmond Hill and of the integrity of the whole system, why will he not call a public inquiry into this whole matter so that we can get to the bottom of it?

Hon Mr Sweeney: Following the administrative review that was done there, staff of my ministry, in consultation with the council of Richmond Hill, identified several changes that had to be made in its practices. I am pleased to report that a number of those changes in fact have already been made and that council and my ministry were in the process of initiating several of the other changes when the latest information was brought to its attention.

We have made it very clear from the beginning when evidence is clearly identified that if there is a further need to go beyond what we have already done, we are quite prepared to do it. But in all fairness to Richmond Hill council, which is trying to come to grips with this, and the staff of the council, who at the moment are in some difficulty in terms of morale, the forensic

accountants are still on the job. They have not completed their work yet.

The region of York police are on the job. The OPP are on the job. That process is undergoing, and I think in all fairness to all three parties we ought to leave that as an ongoing process. If it turns out that the government should—

The Speaker: Thank you. Order.

Mr Harris: The minister right at the end, and I am glad he was not completely cut off until I heard the last comment at the end, indicated that at some point in the future when he has determined I do not know what, he would be prepared to step in and do so. This has been brought to his attention now for close to two years. We have a report from Coopers and Lybrand that seemed to suggest, as I first read it, that everything was okay, although it did suggest the forensic audit.

We have been asking these questions. The ratepayers have been totally frustrated now for close to two years. I would ask the minister how much longer we have to wait before he steps in as minister, or the Ontario government steps in, and indeed perhaps takes over the administration of this town so we can get to the bottom of the facts. Has the minister considered that option? Will he take it if it is appropriate?

Hon Mr Sweeney: I would remind my friend that the launching of the kind of inquiry he is speaking of is something that is done rather rarely in this province. As a matter of fact the staff of my ministry indicated that the last time was probably back about 1977, and I am sorry I cannot remember the particular incident. They did draw it to my attention, but it is not something that is done that often. It definitely is a last resort.

I would repeat that even the forensic accountants themselves, who made their first report to council last night, said that their findings are not complete; they are not yet finished. All that they reported in their first go-around was that that amount of money was unaccounted for. They said very clearly that does not mean that the money is missing. Now it may turn out to be that. The involvement of both the regional police and the provincial police may turn out to discover that. When those decisions and that investigation are more complete than they are now, I as the minister am quite prepared to take the action that would be necessary at that point in time.

1440

UNIVERSITY ADMISSIONS

Mr Pope: I have a question for the Minister of Colleges and Universities. I have given him

notice of the question and sent him a document ahead of time. Richard Lauzon and Donna Lauzon are here from Timmins. They flew out this morning—they are here in the west gallery—out of concern for their daughter Dawn.

Could the minister explain to me how Dawn Lauzon could graduate from grade 13 in Timmins last year with an average of over 90 per cent and apply to the faculty of pharmacy at the University of Toronto and be advised by the dean of that faculty that she cannot be admitted to the faculty of pharmacy and that the dean recommends that if she wants to be admitted at some subsequent year, she not take any other university courses in the interim?

How can this be in the province when we want our young people to be educated, to receive training, to excel at their chosen professions and fields? How can it be that we have individuals in charge of admissions in faculties—

The Speaker: Order. The question has been put. Would the member take his seat?

Hon Mr Conway: I thank the honourable member for Cochrane South for notice of the question. The short answer is that no one is telling his constituent that she cannot pursue a university career, but it is true that we have a number of limited enrolment programs. Pharmacy is one of those such programs where the overall enrolments are limited for reasons that the very distinguished former Minister of Health might know better than most people.

The fact of the matter is that we as a community try to assess the overall demand for a given profession within the community and we then try to respond to that by ensuring that there is an adequate supply to meet that demand. It is no secret, for example, that overall in this province we have a very, very good number of pharmacists. Our pharmacist-to-doctor ratio in this province is very, very strong indeed.

Mr Pope: We are not talking about supply-and-demand ratios; we are not talking about any ratios at all. We are talking about educational opportunities for our young people. Here we have a dean of a faculty of pharmacy for the University of Toronto who said this, and I quote, to contradict what the minister just said, "Also, as I mentioned in my last letter, for her to be eligible for admission into the first year she cannot have a record of having taken any post-high school university courses."

What kind of a message is that to a qualified youngster with a 90 per cent average, that if she wants to enter the faculty of her choice she cannot go to university? The real answer is not marks at

all. It is something called a geographical quota system, where eastern Ontario students get 15 positions, northern Ontario students get 15 positions and Metropolitan Toronto and a 60-mile radius get over 50 per cent of the positions.

The Speaker: Thank you. Order.

Hon Mr Conway: A short answer to the last question is no, and the honourable member knows that that is so. The letter to which he makes reference quotes the dean as being very clear about the chances, which as I read the letter—let me just read that particular sentence from the letter: "Therefore," the dean indicates, "her chance of being admitted into first-year pharmacy in 1990 are very good."

The point I want to make is something that most members—and I have to believe this member knows better than most that we are dealing with a limited enrolment program. If that is your preference, whether it be pharmacy, dentistry, law, education, there are criteria that must be met, that are understood.

I will admit to my friend from Timmins that there has been and continues to be a difficulty, not so far as the overall number of pharmacists in the province is concerned, but in terms of distribution, yes. We continue to struggle with a distribution problem in this profession as we do in others in this province. We, the Minister of Health (Mrs Caplan), myself and others in the government, are addressing various options that will hopefully relieve the pressure, particularly in northern Ontario.

Mr Pope: I hope that the minister will meet with Mr and Mrs Lauzon after question period to assure them that he will intervene on their behalf.

In 1979, the medical schools tried the same geographical preference nonsense, and I rose as a member of the governing party at the time and criticized the Minister of Colleges and Universities for this same nonsense. We are not talking about admissions to professional faculties on the basis of academic excellence. We are talking about limitations on their right to enter on the basis of where they come from in this province.

That is unacceptable. Not only does within a 60-mile radius of this place have over half of the positions assigned to them, but in terms of actual admissions it is over two thirds, and I am talking about documents provided to me by the faculty of pharmacy itself. How can this happen in this province?

Hon Mr Conway: I should just add that the Ontario Council on University Affairs is reviewing two proposals, one submitted by the University of Ottawa, a second submitted by Laurentian

University, both of which, as I recall, deal with additional programs in pharmacy, particularly for francophones in the province where there are other shortages in addition to the regional ones that were mentioned.

I want to stress as well that the Minister of Health has under way an inquiry looking at the whole question of the government's relationship with pharmacy and the pharmaceutical industry in the province. That may very well have a bearing, and the honourable member will want to await that result as well.

ELECTRICITY DEMAND AND SUPPLY

Mr Charlton: I have a question for the Premier. His Minister of Energy (Mrs McLeod) has very carefully over the past few months avoided taking any significant energy policy positions publicly. Very carefully again yesterday she avoided making any policy comment on the proposed plan that was released by Ontario Hydro.

Her predecessor, the member for Fort York (Mr Wong), seemed prepared to take on Ontario Hydro, as the Premier dreamed had already been done, and he indicated that he was unhappy with Hydro's progress on energy efficiency matters and matters of independent parallel generation. He seemed prepared to proceed on those. Unfortunately, the Premier whisked him away before the job was done.

Can the Premier tell this House whether he is happy with the amount of energy efficiency and the amount of independent parallel generation which Hydro has managed to consolidate in the plan it released yesterday?

Hon Mr Peterson: Let me tell my honourable friend that I do not feel that I personally am competent to comment on all aspects of the plan. Whether the energy efficiency targets are reasonable or not, whether the conservation plan is reasonable or not, I am told that this is the most ambitious conservation program by any utility in North America.

The member always thinks he has better ideas on all these matters, so what they would like to hear from him is his ideas on how to do it better. I believe the member was a signatory to the report of the select committee which said that we should not preclude any other options; it is a long-term situation, 25 years.

Obviously, there is no question about the fact that we pushed Hydro very hard on conservation and on cogeneration. We have seen some results already in Fort Frances and I think we will see more, particularly as we are building the corridor

in northwestern Ontario. So the member can see that it all fits together. Is that enough? Is it too little? Can it be done better? It may well be able to be done better and more.

If the member argues that we are going to need less Hydro 10 years from now than we have today, even with all these programs, then stand up and say so. If he does not think we should build anything, stand up and say so.

1450

Hydro has put forward its ideas. They will be subjected to a complete and thorough independent review on the matter. At the end of the day the Environmental Assessment Board will give advice to the government and to the ministry and at the end of the day we will have to make decisions based on the—

The Speaker: Thank you.

Interjections.

The Speaker: Order.

Mr Charlton: Obviously a clear case of the blind leading nobody over there. The Premier, instead of spending his time babbling on endlessly, might take the time to have his staff brief him from time to time. We have released two reports in the last five months that clearly indicate where we think this government and Hydro should be going, reports that in fact were based on studies done by this government's own Ministry of Energy, studies which indicate potential success rates in this province for efficiency and for parallel generation far beyond anything that is indicated in Hydro's report, only the minister is sitting on her own reports and not having anybody do anything with them.

The Speaker: The question?

Mr Charlton: The Premier said in July 1985: "I believe that Darlington will turn out to be one of the great mistakes that has been made. For many years we have advised that it never should have been proceeded—"

The Speaker: Order.

Mr Charlton: Hydro is now asking for three Darlings. Is that any less a mistake?

The Speaker: Is that your question?

Hon Mr Peterson: My honourable friend has, I guess, obviously prejudged the matter, even though he signed a report saying he would not prejudge the matter.

Mr Mackenzie: Come on.

Hon Mr Peterson: He signed it. I did not sign the report.

Interjection.

Hon Mr Peterson: The member's colleague signed the report.

Mr Charlton: You've got to read it now, David.

Hon Mr Peterson: I saw the recommendation. He has done a very thorough analysis on this matter and he has his own conclusions and I hope he will share them with everybody.

This is an important public debate, a fundamental public debate. It affects the values of our society, it affects the kind of society we are going to have in the future, its economic wellbeing, and indeed it goes beyond that as well. I think that is an important debate in which we should engage.

I understand that the member has put forward some reports. I have heard just briefly that they were looked at with not too much seriousness by anybody who understands the matter, but believe me, I understand even better than he does the problems of being the opposition energy critic. Believe me, I do; but we have had the glorious opportunity to be here and change Hydro and make some significant progress in this regard. I welcome my friend to take a constructive view of this matter, and anything he has to share with his colleagues will be taken with all the seriousness it deserves.

Interjections.

The Speaker: Order.

Interjections.

The Speaker: The member might as well rest for a while.

PROGRAM FOR OLDER WORKER ADJUSTMENT

Mrs Cunningham: My question is for the minister of all education in his capacity as Minister of Skills Development. In its last three throne speeches, dating as far back as 28 April 1987, this government has promised to deliver a training strategy for older workers in this province. The minister announced last week that the skills ministry will be undergoing a restructuring so that its primary focus will be on programs which assist people already in the workplace. Perhaps the minister could give us an update on his ministry's efforts and successes, if any, in assisting older workers in this province.

Hon Mr Conway: The honourable member knows perfectly well that the responsibilities and the mandate for skills development covers a whole range of individuals and programs, and as I have said on earlier occasions, the training and the retraining of our incumbent workforce is

going to be an increasingly important part of that responsibility.

We have in recent weeks announced some new initiatives. For example, the criteria of the Transitions program have been broadened. My colleague the Minister of Labour (Mr Phillips) has in recent weeks signed an agreement with the government of Canada in a related fashion. Certainly a number of the programs that we have in terms of literacy also have a very direct relationship to the particular group in the community that the honourable member refers to.

Mrs Cunningham: Older workers in this province feel somewhat abandoned by this government, and rightfully so. I have been down here almost two years and I have listened to the same kinds of responses to the Transitions program and now and as recently as last spring the same kind of response to the program for older worker adjustment.

The facts do not lie and we are looking for some serious consideration. The Transitions program is now operating at one quarter of its original budget. The promise was to assist some over 6,000 workers each year, and what have we done so far? Only 3,700 workers have been assisted at all. We should have been looking at some 12,000, 14,000, 15,000 workers by this time. We are not at one quarter of it.

For the program for older worker adjustment the government has not spent one penny. How specifically will the government change things with this new restructuring so that these people can get the support they need?

Hon Mr Conway: One of the realities, of course, is that over the past number of years the Ontario economy has been very strong in terms of employment opportunities. The so-called Nixon boom has provided very real growth across the economy. The honourable member knows very well the kind of drop in the unemployment rate that we have seen over much of the last four and a half years.

I admit that there are those in the community who have been thrown out of work. We have a number of programs that concerns themselves with those individuals, and in particular measure, I would say to my very learned friend the member for London North, part of the solution that I see for improving the situation in the future is strengthening government's partnership, particularly with labour and with business, because they too have a responsibility, and I am looking very much to new initiatives in those areas of strength and partnership.

SCHOOL BOARD SPENDING

Mr Owen: I too have a question to the Minister of Education. We are accustomed to hearing from local school boards complaining that we are not providing sufficient funding to assist them with their needs. However, I have been told that some school boards themselves contribute to their own difficulties. I have been shown certain figures that in the past 10 years some school boards have increased spending 150 per cent while many of those same boards have had a decline in enrolment, and further figures that showed that some school boards have increased numbers of teachers in the classroom while experiencing a decline in the number of students.

My question to the minister is, does he have any figures which would show what the increases have been in school board spending in recent years and whether those increases have been reasonable, in his view?

Hon Mr Conway: I thank my honourable friend for a question about this aspect of the educational debate, certainly a debate that I know many members have participated in in recent weeks as a result of the transfer announcements.

Looking at the situation, I can tell my honourable friend that in the period from 1980 to 1988, when we experienced system-wide declines, average daily enrolment declined in that eight-year period by something like 9.5 per cent. In that period of time, when the average daily enrolment was declining in the neighbourhood of nine per cent or 10 per cent and the consumer price index was rising, in total, by about 65 per cent, school board expenditures, averaged across the province, increased by about 90 per cent.

Mr Owen: I have also been shown some figures which show that the number of teachers in administrative positions during that same time increased by 80 per cent, paraprofessionals increased by as much as 200 per cent and other professionals as much as 130 per cent in the school boards, while clerks at the school board level increased by only 20 per cent. It has been suggested to me that administrative staff has greatly increased in its ratio to the student numbers.

My question to the minister is, does the minister have any statistics with regard to the increase in administrative staff at the school board level and whether or not the same is an investment in terms of the education tax dollars?

Hon Mr Conway: I cannot easily cite the data for the administrative personnel within school jurisdictions, but I can say that over the period from 1978 to 1988 there has certainly been a growth in the professional and specialized services across the system. That reflects a number of new initiatives that in many cases were mandated by this Legislature and by this and other governments, recognizing a desire by the community to expand the frontier of public education.

TAXATION

Mr Laughren: I have a question for the Treasurer. The Treasurer will know, of course, that the federal government has determined that it is going to reduce the goods and services tax from nine per cent to seven per cent, and in an act of true Tory perversion, some of the people they are going to make pay for that are low-income people whose tax credits will be reduced by up to \$125 a year.

Since the Treasurer obviously has become an accomplice to the GST, since he is going to fold his own tax system in with it, could he tell us what representations he has made to the federal government, in order to minimize the impact of the GST on low-income people, to make sure that those sales tax credits are restored and enriched?

Hon R. F. Nixon: I would hope that one of the honourable member's friends in Ottawa, or perhaps one of mine, is asking that very question.

The honourable member, to be fair—and he is a fair man—must realize that the original sales tax credit as announced at the nine per cent level was supposed to make families earning about \$30,000 in fact be better off under the system than they otherwise would be. It is not my job to defend it. That is a fact that was put forward in the original structure.

I examined quite carefully what the Minister of Finance said about that when he said that the amount of credit would be reduced. Of course, if you are paying seven per cent and not nine per cent, the actual assistance in order to make families at \$30,000 tax-free essentially would be reduced. According to the Minister of Finance, his calculations are that he has achieved that perfect, or imperfect, balance.

Mr Laughren: I am surprised that the Treasurer thinks it could be perfect, even.

The Treasurer will know that when he raised his sales tax in Ontario, which is very similar to the GST, he did not enrich the sales tax credits in the province. Further, when he raised the provincial income tax, which is going up as of 1

January 1990 in Ontario, he once again did not raise the tax credits for low-income people in Ontario.

There are 300,000 taxpayers in Ontario who earn under \$10,000 a year and who still pay provincial income tax. Could the Treasurer give us a commitment here and now that he will remove those low-income people, some of them \$2,000 below the poverty level, from Ontario's provincial income tax rolls by the next budget?

Hon R. F. Nixon: I would like to give that commitment, but of course I cannot. The honourable member would know that at the same time those taxes were raised—and by the way, the House is still to decide on the income tax increase, I understand—

Interjection.

Hon R. F. Nixon: In the next half-hour, perhaps we will have a chance to vote on that.

The honourable member would know that the additional revenue that came in from those sources was largely directed towards programs that, through the recommendations of the Social Assistance Review Committee as well as the improvements in job opportunities and training, would benefit everybody, but particularly those people whose incomes are insufficient and who would have an opportunity to benefit from these enlightened new programs.

LAC MINERALS LTD

Mrs Marland: My question is for the Minister of Natural Resources. It is the understanding of my party that the regulations for the Aggregate Resources Act, 1989, have finally been developed and that the act will be proclaimed shortly. I would hope that one of the first cases to come under the new act would be LAC Minerals' plan to expand the quarry operated by Milton Limestone on the Milton outlier, which is part of the Niagara Escarpment. There are significant environmental concerns regarding this expansion, which would require that one million gallons of water be drained each day to keep the quarry dry.

My question to the minister is this: Can she give this House her assurance that the LAC Minerals expansion plans will be subject to the provisions of the Aggregate Resources Act?

Hon Mrs McLeod: I can assure the honourable member that the new Aggregate Resources Act and its regulations will be proclaimed on 1 January 1990 and that any applications that come forward subsequent to that date will fall under the new Aggregate Resources Act and its regulations.

I am familiar with the specific project which the honourable member raises in the House. I know that there are a number of concerns that have been expressed about that project and environmental implications. I understand that there have been requests made for some detailed consideration of the environmental impact and that the Minister of the Environment (Mr Bradley) is in fact reviewing those considerations.

Mrs Marland: We already have a very serious problem with the water table on the outlier and local farmers are finding their wells and ponds drying up and the production of their land shrinking. All of this is occurring at a time when the quarry is draining 250,000 gallons of water a day. I know that the minister must know that the town of Milton council and the Halton Region Conservation Authority, Halton region itself and the Niagara Escarpment Commission all agree that something must be done, and done quickly, to protect the environment of the Milton outlier.

My supplementary is this: If the Aggregate Resources Act cannot control the draining of the outlier water table by this quarry, what other steps will she, as minister, take to investigate the company's operations and to prevent further damage to the escarpment environment?

Hon Mrs McLeod: I think the honourable member suggests that there may be a difficulty with the new Aggregate Resources Act in terms of its ability to look at the particular considerations involved in licensing new pits and quarries. I would trust that in fact that will not be the case, because there are many provisions of that new act which are designed to deal with the concerns about the environmental impact of the operations of pits and quarries and ensure that we are able to be responsive to that, both at the time of licensing and also through processes of rehabilitation. I know that there will be individual situations that are unique and require unique consideration and we will certainly undertake to give those particular situations every possible consideration.

NATURAL GAS PIPELINE

Mr Reycraft: My question is to the same minister, but in her capacity as Minister of Energy. It concerns an application by Union Gas to the Ontario Energy Board to expand its transmission capacity on the pipeline route from Trafalgar, near Oakville, to Dawn, in Lambton county. This line runs through the townships of Lobo, London and West Nissouri in Middlesex county. It is being expanded to allow Union Gas

to meet the increasing demands for additional supply from its contract customer, TransCanada PipeLines, which in turn wants additional supplies of natural gas to meet its export commitments to the United States. I want to ask the minister: Is she aware of this application by Union Gas to the Ontario Energy Board and is she aware of the rationale behind it?

Hon Mrs McLeod: Yes, I am aware of the application of Union Gas to the Ontario Energy Board for expansion of its transmission capacity in that area. It is certainly the responsibility of the Ontario Energy Board to examine both the necessity for those transmission lines and any concerns related to it.

I very much appreciate the member's interest and concern in this particular issue and I know that reflects the concerns of many of his constituents. The Ontario Energy Board is the forum in which these concerns can and should be addressed. It is my understanding that the Ontario Energy Board is holding hearings in two phases. The first phase of those hearings has been temporarily adjourned pending some further confirmation of the actual status of contracts. Phase 2 hearings are expected to begin in February.

Mr Reycraft: The construction of this pipeline will result in a fourth pipeline being constructed in Middlesex, while Union Gas is just now finishing its third. In order to carry out the pipeline expansion, Union Gas is going to have to expropriate a large quantity of productive agricultural land, over 325 acres in Middlesex alone. Union Gas argues that the pipeline is in the public interest, but farm land is being expropriated in order to allow Union Gas to meet the demands of energy-hungry Americans. What can farmers in Middlesex do to protect themselves from having their land seized so that Union Gas can sell more natural gas to the United States?

1510

Hon Mrs McLeod: Certainly it is within the mandate of the Ontario Energy Board to examine all of the issues that relate to a particular application. I would certainly urge all those who are affected and concerned to present their concerns to the Ontario Energy Board.

In this regard, I understand that there is some \$208,000 in intervener funding which is being made available to the Middlesex Landowners' Association to be able to participate in phase 2 hearings. It is also my understanding that those phase 2 hearings were originally scheduled for the fall but that, at the request of the affected farming community, the hearings have been

postponed until February so that concerned constituents in the member's area can make their representations. I am confident the Ontario Energy Board will give them a full hearing and consideration.

The Speaker: There are a number of private conversations again. The member for Windsor-Riverside is waiting to ask his question and would like to be heard.

CHILDREN'S MENTAL HEALTH SERVICES

Mr D. S. Cooke: I have a question for the Minister of Community and Social Services. It deals with children's mental health facilities in my community of Essex-Windsor. As of November 1989, there are nearly 500 children in Windsor and Essex county on waiting lists for services from children's mental health facilities in Windsor. The Regional Children's Centre has 343 children and a wait of up to two years, Maryvale has 79 children and a wait of up to two years, Glengarda School for Exceptional Children has 23 with a wait of up to one year, the Children's Achievement Association has a wait of at least one year and Child's Place a wait of one year.

Does the minister not realize that these children, who are in desperate need of mental health care at times and who can be referred at a particular age, at age 13, are not even children any longer by the time they actually get service and that the long-term consequences of not getting service when they need it and help when they need it means that we are going to pay the price and those families are paying the price? When is the minister going to do something to make sure that children in this province have access to mental health services when they need them?

Hon Mr Beer: I thank the honourable member for the question. We have been meeting with officials of the Ontario Association of Children's Mental Health Centres and I will be meeting with the executive early in the new year. They have sent me a letter outlining specific areas of concern that they have and we will be dealing with that very shortly.

I think one of the things we are doing with them is looking specifically at the question of waiting lists and trying to see if there is not some way that we can deal with that much more effectively, but clearly the member's point in terms of children waiting is one that we are concerned about, and we do want to move to deal with that specifically.

Mr Pouliot: The minister is far too cautious and guarded. With respect, buddy, this is not the diplomatic corps. These kinds of situations call for direct action. The minister has people at the Lakehead Regional Family Centre, workers who have been on strike, a legal work stoppage, since 15 December. They have had it up to here, with respect, partly with the minister's platitudes. They want some of the situations that are written down here resolved. There is a morale problem and a high turnover problem. They have lost 60 people in the last two years. There is a \$5,000 difference. The minister has reneged on the commitment of his deputy minister. He has divested himself from the Ministry of Community and Social Services.

The Speaker: And the question might be?

Mr Pouliot: What is the minister going to do about it? This is an urgent situation. Certainly the minister is not waiting for a woman on call in the middle of the night, always an elderly woman, to lose her life so that the minister will start taking direct action.

The Speaker: Order. Would the member please take his seat? That is the second time it was asked.

Hon Mr Beer: First of all, with respect to the general area, I have said we are dealing directly with the representatives of the children's mental health centres. We recognize the issues and we are trying to work with them to resolved them.

On the specific issue of the Lakehead Regional Family Centre, as the honourable member knows, there are negotiations under way between the centre and those who are employed there. We want to ensure that is resolved and we will do whatever we can to assist those who are now discussing that particular situation. We recognize that there are a number of problems, but we have to deal with the whole area. We take it very seriously and are working specifically on that and the other issues that have been raised.

ASSISTANCE TO WRITERS

Mr Brandt: My question is for the Minister of Culture and Communications. It relates to a program, partially funded by the province of Ontario, known as the federal public lending rights program. The minister may be aware that this program was in fact set up some four years ago and the current cost of the program is in the range of some \$300,000, the purpose of the program being to assist writers in Ontario and throughout Canada with respect to some of the published works that they are engaged in. It is a lending program from libraries to recognize that

our need for writers is quite evident in this province, and they assist in literary activities of various kinds. Can the minister give her assurance to this House that this program is in fact going to be continued?

Hon Ms Hart: I thank the member for the question. If I heard him correctly, I think he said that it was a federal program. Perhaps I am in error in my hearing, but if it is a federal program it is not one I can do a whole lot about except that I will recognize what he says very clearly, that we have some great writers here in Ontario. We have a lot of programs that support writers, both through the Ontario Arts Council and through my ministry, and we will of course continue those programs.

Mr Brandt: If I misled the minister, I did so inadvertently. It is a federal program jointly funded by Ontario. My concern is that the federal government has enhanced its funding for this program to encourage writers and to encourage publishing in Ontario. The minister knows the publishing industry is primarily centred in our province, but it also encourages writers across the country.

Hon Mr Scott: This is what happens when you answer your own phone.

Mr Brandt: The concern that I have is—if I can somehow speak over the interjections of the Attorney General (Mr Scott) who constantly berates us on this side of the House when we are asking serious questions—is the minister prepared to continue funding her ministry's part of this bill? It is extremely important to the writers of our province, and they want to know that they have the minister's support for the continuation of the program. Is the minister prepared to make the commitment that she will not cut this program out of her ministry?

Hon Ms Hart: The member has raised a program that I am afraid I do not know about. In fact, the support for writers by this government, which is quite substantial support, is primarily funded through the Ontario Arts Council. As the member will appreciate, I would not be in a position, or anyone in my ministry, since we are not professional writers, to make the judgement as peers should make that one writer over another should be funded. So we have delegated that authority to the Ontario Arts Council, and of course we will continue to support writers in Ontario.

TEMAGAMI DISTRICT RESOURCES

Mr Fleet: My question is for the Minister of Natural Resources. This week a legislative

committee completed hearings on forest management practices in the Temagami area. The minister is aware of my strong concern that adequate environmental considerations be taken into account in Temagami and that the public debate about these issues be based on facts and not myths. For instance, we on the committee heard uncontroverted evidence that Temagami is not the last stand of old-growth red and white pine in Ontario. Would the minister please advise of some of the areas in Toronto where old-growth pine are known to be and what steps her ministry is taking to ensure that such stands are not logged?

Hon Mrs McLeod: It is coincidental, but perhaps not inappropriate, that the first question of the session was on the Temagami forest issue and the last question of the session may well be on the Temagami forest issue. May I just indicate that I appreciate the interest of this member on this issue and that I appreciate as well the work that the standing committee on resources development has done over recent weeks in wrestling with the many different perspectives on an issue that has certainly been a complex and challenging one for my ministry.

I do appreciate an opportunity to add information that is helpful in this situation at any opportunity and I am pleased to be able to assure all members of the House that Temagami is not in fact the area that contains the last or the only old red and white pine stands in Ontario. There are very substantial stands of old red and white pine near Parry Sound, in Algonquin Park, between Espanola and Sault Ste Marie, near Thunder Bay, Atikokan and Fort Frances.

Having said that, of course we recognize the importance of the old stands. We have put 100,000 hectares of forest area in Temagami into a reserve category which protects about 30 per cent of the old red and white pine. We are carrying out further studies and look forward to the old-growth symposium on this subject in January.

Mr Fleet: Do I get a supplementary?

The Speaker: That completes the allotted time for oral questions and responses.

1520

MOTION

COMMITTEE SITTINGS

Mr Ward moved that committees may meet as required following routine proceedings this afternoon.

Motion agreed to.

PETITIONS

FRENCH-LANGUAGE SERVICES

Mr Campbell: I present to the Legislative Assembly a petition regarding Bill 8 given to me by Ontario residents. While I recognize and understand the standing orders concerning the presentation of petitions, I cannot in good conscience support this one in any form.

TEACHERS' SUPERANNUATION

Mr Eakins: I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, the secondary teachers of Victoria county beg leave to petition the Parliament of Ontario as follows," and it goes on to make a number of provisions and is signed by 105 Victoria county secondary school teachers.

FRENCH-LANGUAGE SCHOOL

Mr D. S. Cooke: I have a petition to the Parliament of Ontario:

"We, the undersigned, petition the Parliament of Ontario as follows:

"We, the parents of children attending Saint-Antoine school, Tecumseh, petition for your support in attaining from the Ministry of Education the immediate expenditure of funds for the purchase of land to provide a site for a new French-language Catholic elementary school in our area in view of their commitment made in April 1989 to fund the purchase of such land for this project. We also petition you for support in order that such a school be granted funds for construction as soon as possible. We ask for this in view of our crisis situation due to the growing overcrowding of our school and the continued predicted rapid growth in the student population."

I file this petition on my behalf and also on behalf of the member for Essex-Kent (Mr McGuigan), since there are students in both constituencies.

ÉCOLE DE LANGUE FRANÇAISE

M. Pouliot : J'aimerais adresser au Parlement de l'Ontario la pétition suivante :

« Nous, soussignés, adressons au Parlement de l'Ontario la pétition suivante :

« Nous, les parents des enfants de l'école St-Antoine, Tecumseh, Ontario effectuons une pétition demandant votre appui, en demandant au ministère de l'Éducation de la province de l'Ontario, pour l'achat immédiat d'un terrain

pour la construction d'une école élémentaire catholique de langue française dans notre communauté selon leur promesse en avril 1989 pour l'achat.

« Nous supplions aussi votre appui pour des fonds pour la construction de cette école aussitôt que possible. Nous demandons ceci à cause de l'augmentation progressive dans notre population d'élèves. »

FRENCH-LANGUAGE SERVICES

Mr McLean: I have a petition which reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows."

It goes on and indicates what it is for. The essence is they request the withdrawal of Bill 8.

Mr Owen: I have a petition with 92 names objecting to the French Language Services Act.

TEMAGAMI DISTRICT RESOURCES

Mrs Grier: "We, the undersigned, petition the Legislative Assembly of Ontario respectfully requesting that the province of Ontario take action in stopping any further logging in Temagami. We further request that the province address the legitimate aboriginal claims and take immediate action to preserve Ontario's old-growth forest for the children of the province."

This petition was collected by Casey and Connie Roberts and signed by 120 residents, and I support their appeal.

The Speaker: It is not necessary to name the collectors of the petition.

ANIMALS FOR RESEARCH

Mr Brown: I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It relates to the use of animals in cosmetic and product testing.

REPORT BY COMMITTEE

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr Laughren from the standing committee on resources development presented the committee's report and requested that it be placed on the Orders and Notices paper for consideration pursuant to standing order 36(b).

The Speaker: The member may wish to make a brief statement on this report.

Mr Laughren: I will be very brief indeed. When the resources development committee determined that it wanted to take a brief look at

resource management in the Temagami area, it utilized—for the first time, I believe, under standing order 123 of the new standing orders—the right of a committee to have a subcommittee look at an issue, whether or not the full committee is meeting on another matter.

In this case, the subcommittee determined, because of the motion put by my colleague the member for Algoma (Mr Wildman), that the committee would take a look at resource management in the Temagami area and, more specifically, to utilize what is known as the Benson report, which was commissioned by the Teme-Augama Anishnabai native people to look at resource management, a study paid for by the Ministry of Northern Development.

For the benefit perhaps of other committees, they might want to reflect on the experience of the resources committee in this matter. We had a very difficult time because we were assigned only 12 hours to deal with the entire matter. That was all we were allowed. I would think that committees would be wise to consider undertaking projects that are less comprehensive than, for example, resource management in the Temagami area. It simply was put too big a project for a committee to do in only 12 hours.

We called witnesses before the committee and we debated it and had a good exchange with those people who appeared before the committee. However, it was impossible for us to go to Temagami, which I regretted very much because members of the committee, I believe, would have learned more and appreciated the issue more if we had been able to go to Temagami ourselves.

There is attached to the report a dissenting opinion partly because the committee did not have time to make any specific recommendations. I hope very much that in the future we will be able to debate the matter further in this assembly.

INTRODUCTION OF BILLS

MINING TAX AMENDMENT ACT, 1989

Mr Mancini moved first reading of Bill 104, An Act to amend the Mining Tax Act.

Motion agreed to.

ONTARIO HOME OWNERSHIP SAVINGS PLAN AMENDMENT ACT, 1989

Mr Mancini moved first reading of Bill 105, An Act to amend the Ontario Home Ownership Savings Plan Act, 1988.

Motion agreed to.

1530

Hon Mr Mancini: This bill implements the changes to the Ontario home ownership savings plan program for the first-time home buyer arising out of the budget of the Treasurer (Mr R. F. Nixon) of 17 May 1989. These changes are designed to enhance the attractiveness of the program and include that higher-yield, fixed-term investments such as guaranteed investment certificates are now eligible investments, in addition to demand deposits; the early release of plan deposits is now allowed when a buyer has agreed to make interim payments to a builder as part of the agreement of purchase and sale; planholders who acquire an interest in a home as a result of marriage or inheritance are no longer required to pay back any tax credits received in previous years, and an individual whose spouse owned a home prior to but not after the marriage is now eligible to participate in the OHOSP program.

These important changes are going to be of great benefit to a large number of people.

EASEMENT STATUTE LAW AMENDMENT ACT, 1989

Hon Mr Sorbara moved first reading of Bill 106, An Act to amend certain Acts with respect to Easements and other matters.

Motion agreed to.

Hon Mr Sorbara: Very briefly, the act exempts municipalities from the requirement to register a notice of claim under the Registry Act to preserve easements more than 40 years old until 31 December 1999. It gives municipalities a final opportunity—I said “final opportunity”—to do survey and legal work necessary to register notices of claims. I know that the municipalities are going to be very happy about this.

The act also amends the Municipal Act and the Ministry of Government Services Act to deal with the regulation of disputes regarding the location, use and maintenance of public utilities located on private land.

I am sure that all members are going to want to support this measure, as it is something that municipalities have been urging us to do for quite some time.

The Speaker: Introduction of bills. Another one?

Hon Mr Sorbara: Yes. I know it is here somewhere. I will just defer to my friend the Solicitor General for a moment, because I think I have not been provided with a copy of the bill.

POLICE SERVICES ACT, 1989

Hon Mr Offer moved first reading of Bill 107, An Act to revise the Police Act and amend the law relating to Police Services.

Motion agreed to.

The Speaker: The minister gave an explanation earlier.

BUSINESS NAMES ACT, 1989

Hon Mr Sorbara moved first reading of Bill 108, An Act respecting Business Names.

Motion agreed to.

Hon Mr Ward: Mr Speaker, prior to calling the eighth order, I would seek unanimous consent that the bell on this vote be limited to five minutes.

Agreed to.

ORDERS OF THE DAY

INCOME TAX AMENDMENT ACT, 1989 (continued)

Resuming consideration of the motion for second reading of Bill 60, An Act to amend the Income Tax Act.

The Speaker: I will then call for the deferred vote on the motion for second reading of Bill 60.

1540

The House divided on Mr Mancini's motion for second reading of Bill 60, which was agreed to on the following vote:

Ayes

Adams, Ballinger, Beer, Bossy, Brown, Callahan, Campbell, Carrothers, Cleary, Collins, Conway, Curling, Daigeler, Elliot, Faubert, Fawcett, Fleet, Fontaine, Furlong, Grandmaitre, Haggerty, Hart, Hošek, Kanter, Kerrio, Keyes, Kozyra, Kwinter, Lipsett, Lupusella, MacDonald, Mahoney, Mancini, McClelland, McGuigan, McLeod, Miclash, Miller, Morin, Nixon, J. B., Nixon, R. F.;

Oddie Munro, Offer, O'Neil, H., O'Neill, Y., Owen, Patten, Pelissero, Poole, Ramsay, Reycraft, Riddell, Roberts, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Ward, Wilson, Wong.

Nays

Allen, Brandt, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Eves, Grier, Harris, Jackson, Johnson, J. M., Johnston, R. F., Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, E.,

Pollock, Pope, Pouliot, Rae, B., Reville, Sterling, Villeneuve, Wildman.

Ayes 65; nays 29.

Bill ordered for third reading.

Hon Mr Ward: I would request consent to proceed to third reading on Bill 60.

Agreed to.

INCOME TAX AMENDMENT ACT, 1989

Mr Mancini moved third reading of Bill 60, An Act to amend the Income Tax Act.

The Speaker: The member for Cochrane South wishes to speak on third reading.

Mr Pope: Yes, I do. I will be about 10 minutes. By the luck of the draw, I was not able to speak on second reading, although I was available to do so. So I wanted to take this opportunity on third reading, in addressing the need for third reading, to put on the record some of our basic concerns and reasons why we think that third reading should not be granted to this bill.

Third reading implies—

The Speaker: Before I allow the member to continue, I know there are many things that many members wish to talk about with their colleagues. Order. We will try again. The member for Cochrane South.

Mr Pope: Now that I have emptied the place, I would like to continue.

As I was saying, I wanted to address why we should not have third reading on this bill. In doing so, I want to very briefly—and I do mean that—put on the record our position with respect to certain tax policies of this government and our concerns about them.

My colleagues addressed very specific features of this particular measure and their specific concerns about it on second reading in committee of the whole House. I am sure members found their arguments convincing and persuasive and will join with us in voting down this bill on third reading. It is third reading we are addressing and I want to indicate that I am opposed to third reading of this bill because this bill, in its purest sense, underlines the tax policy position of the Liberal administration of this province, one that we simply can no longer afford or accept.

We have seen this government bring in, since 1985, 32 different tax increases. We have seen those tax increases add to the payroll burden of small businesses. We have seen the effect, the cost of travel in all parts of the province with gasoline tax increases. We have seen the impact of these tax increases with respect to the cost of

housing, the cost of tires, the cost of paying for parking in downtown Metropolitan Toronto, the cost of goods in every part of this province but most particularly in the downtown core of Metropolitan Toronto. These are the consequences of tax policies that affect people in their everyday lives. It is not some idle philosophy being debated in this Legislature between three political parties; it is consequences on people and their daily lives.

We find this government is too flippant with the attitude that whenever it has a problem, whenever it needs more revenue, it just increases the taxes, and that is the end of its obligations or accountability to the people of the province of Ontario.

I really have to say that it is starting to have a dramatic impact on the people of this province. Nothing is more dramatic than an increase in the personal income tax rates since the Liberals came to power of over 10 per cent, from 48 per cent in 1985 to 53 per cent on 1 January 1990 under this bill. It is simply too much for people to have to pay. People in their daily lives will be affected, small businesses will be affected, industry will be affected. Ontario's competitive position will be affected.

We have already seen other provinces discussing this. We have seen headlines: "Ontario has to be competitive to stay in business, Nixon says, in addressing tax policies." There are growing concerns about the pace of Ontario's industrial development. There are growing concerns about perhaps a recessionary cycle in some key industries, about loss of jobs, unemployment. All of this ties into a recessionary philosophy or a recessionary feeling about our economy, fuelled by inflation, high interest rates and tax increases.

Small business payroll taxes in this province since 1981 have gone up by over 106 per cent. They have doubled. Imagine, a small businessman today pays twice in payroll tax deductions what he paid in 1981 for each and every employee. That impact has to have an effect on small business in this province.

1550

Not only have we seen direct tax increases by this administration, but we have also seen an offloading of responsibilities to municipalities, boards of education and many others. The result has been double-digit municipal tax increases for the last two years in this province and double-digit board of education tax increases. We have seen too many of these headlines, "Queen's Park Blamed for Proposed 12.4 Per Cent Property Tax Increase." This is in Metro Toronto, but it is the

same story across the province. We simply cannot afford this kind of tax regime, this kind of tax policy any more in this province.

There is no doubt—Statistics Canada said it last summer—that tax policies are the chief cause of inflation right now in this country. Nowhere is the impact of tax policies on inflation clearer than in the Ontario where we have seen total provincial revenues from tax sources increase by over 100 per cent since the Liberals came to power—a 100 per cent increase in tax revenues since this Liberal government was sworn in in 1985.

It is coming out of taxpayers' pockets. It is coming out of teachers' pockets. It is coming out of miners' pockets. It is coming out of bush workers' pockets. It is coming out of small business. Everyone is paying the tune and it is too much. It is too much to increase the personal income tax rate to 53 per cent of the federal tax rate. That is why we cannot proceed with third reading. That is why we cannot vote for third reading on this measure.

This Liberal government has not only increased taxes, has not only shifted responsibilities over to the municipalities and boards of education, but there are also its general legislative grant transfer payment policies to boards of education, its unconditional grant transfer policies in terms of municipalities and many other government grants to agencies that perform vital public functions across this province.

This policy of transfer payments is not what they wish for themselves from the federal government, but it is what they have foisted on boards of education, municipalities and other agencies in this province.

Just some quick facts and then I really will sum up on third reading: Three of the five budgets tabled by the Liberals, including the two tabled by majority Liberal governments, have contained massive tax hikes. Over the past five years total provincial tax revenues will have increased by \$15.2 billion or by 101.1 per cent. The Liberals will collect twice as much in taxes this year as the former Progressive Conservative government collected in 1984-85.

Since 1984-85 tax revenues have increased at almost twice the rate of economic growth and at about double the rate of growth in personal income in this province—twice the rate of growth in income, twice the rate of growth of the economy. Fueled by strong economic growth and a 10.4 per cent increase in the Ontario personal income tax rate, inflows from the

personal income tax, will have more than doubled since 1984-85.

In 1989-90 personal income tax revenues will reach a projected \$12,636,000,000, up 102 per cent from the 1984-85 total of \$6,253,000,000. A one percentage point increase in the retail sales tax implemented in the 1988-89 budget will help push revenues from this source to \$8,679,000,000 in this fiscal year, an increase of 96.1 per cent relative to 1984-85.

Under the Liberals, the gasoline tax on unleaded gasoline has been increased by 36.1 per cent. We had a federal election on an eight per cent increase in gasoline tax. This government increased the gasoline tax on unleaded gasoline by 36.1 per cent.

There are a whole host of other taxes. They are even taxing tires now. When you buy tires for your cars, they are taxing it.

We have talked at length in the Legislature over the past few days about the current commercial concentration levy. These tax increases, and this one in particular, the personal income rate, are not acceptable. We cannot afford it. People are having financial difficulties in their daily lives that this government is creating. They have an obligation to help.

We have heard a number of arguments on the need for these additional revenues. One is that this government has reduced the deficit. In fact, I think I am entitled to indicate to the House that from my analysis of the financial dealings of this Treasurer (Mr R. F. Nixon), on 31 March 1989 in one afternoon, using automatic bank transfers to municipal accounts, he transferred out \$400 million on account of 1989-90 expenditures for municipalities and on an accrual basis put it into the previous 1988-89 year.

The deficit, if he had waited six hours, would have jumped from \$700 million to \$1.1 billion. Because he did not wait the six hours and prefloat it, he tried to claim the deficit went the opposite way. We know it has not. We know the deficit is actually increasing when you look at expenditures on the basis of their application to the tax years.

Do we have the improved services the Liberals all boast about? Tell me about the lineups for cardiac surgery that we have seen in this province for the last four years. Tell me about the lack of anaesthetists in Atikokan and Thunder Bay. Talk to me about the outflow of specialty doctor surgery teams to the United States as a result of the attitude of confrontation that this government engages in with the medical profession. Tell me about the decline in basic health care services to

the people of Ontario that has been exhibited in example after example by my friend the member for Parry Sound (Mr Eves) over the last four months.

There is no doubt about it. There is a decline in the quality of health care in this province and there is a decline in public confidence in the ability of this government to deliver the quality health care they have a right to expect.

Tell me about the 200,000 students who are now in portables, 7,500 of them across the province, an all-time high. Tell me about the Lauzon today, and many other parents across this province who can no longer get their sons and daughters of academic excellence and ability into post-secondary education, into professional schools, into medical schools so they can serve the people of this province, as we ourselves had an opportunity to do.

Housing: How has housing improved? Nothing has been more dramatic in terms of the failures of this government than the lack of an affordable housing policy for the people, to help the people of Ontario. Fifteen per cent of all the money goes to consultants and most of them have to be Liberals to get it. That is where the money is going. There has been nothing more dramatic than the failure of this government to deliver affordable housing and affordable housing programs.

OPP: Reduction in staff complements of basic Ontario Provincial Police services across Ontario, particularly in eastern Ontario and particularly outside the Kingston area, dramatic reductions in the Ontario Provincial Police complement.

We have seen nothing but disaster after disaster in the resource sector with mining exploration activity down 48 per cent this year over last year, with mines closing down in Kirkland Lake, Latchford and Wawa, and with sawmills closing down across far northern Ontario. We have seen nothing but layoffs in the steel industry and concerns about the future of the steel industry in Sault Ste Marie and Hamilton.

We have seen nothing by way of economic and industrial restructuring, employment programs and training programs that will help and assist workers who are going to be laid off, or whose jobs are threatened or who desperately need upgrading and retraining so that they can function in the new, technologically more efficient industries of the future; none of that. We see none of the basics being done and in fact we see them deteriorating.

Why would we vote on third reading to increase personal income taxes, not by one per

cent but by two per cent to 53 per cent of the federal income tax rate, a change from 48 per cent when we were in power to 53 per cent.

Tax Freedom Day this year was on 7 July. With this government's record, Tax Freedom Day this coming year will be on 7 August, and that means every man, woman and child will be working full-time and part-time to try and make ends meet. It means they will be working until the middle of the summer, if not the end of the summer, in order to pay taxes to the government.

We have not seen any constraint or restraint from this government. We have seen 46 per cent, 50 per cent and 60 per cent increases in administrative expenses, and none of it going to the front-line services to help people out. This is not a performance this government can be proud of. These are not tax measures they can be proud of. These are not tax measures we can support.

1600

Hon Mr Mancini: I need just a moment or two to wind up. I know we are very pressed for time today and there is a great deal of business to be done, but I have to place on the record that, yes, there have been some increases in taxes here in Ontario. One of the major reasons we have had to increase taxes is because of the cuts in federal transfer payments to the province. The government of Canada is systematically avoiding its responsibility and is systematically lowering its rate of assistance to the province for such things as education, and most importantly, health care.

The member opposite constantly talks about the quality of health care. When the government of Canada reduces its transfer payments, that hurts health care and the province of Ontario has to take appropriate action to make sure that our health care system, which I understand next year will be well over \$15 billion, is appropriately funded.

The honourable member has been in the House a long time. He knows why these actions are necessary. He may not like them and we may not like them, but we have to keep our institutions operational, and most of all we have to ensure that quality health care is the order of the day here in Ontario.

The Deputy Speaker: Mr Mancini has moved third reading of Bill 60.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Hon Mr Mancini: I assume we are going to stack the vote on this at 5:45. We are not going to stack it? That is fine. Let's get it done now then.

The Deputy Speaker: If you want to have the vote stacked, five members will have to stand up. If there is nobody standing up, the motion gets carried.

Motion agreed to.

TEACHERS' PENSION ACT, 1989

Mr Conway moved third reading of Bill 66, An Act to revise the Teachers' Superannuation Act, 1989, and to make related amendments to the Teaching Profession Act.

The Deputy Speaker: Does the minister have an opening statement?

Hon Mr Conway: I have some comments, but I know other members want to speak so I think perhaps it would be sensible if I kept my remarks to the end.

Mr R. F. Johnston: Questions and comments?

The Deputy Speaker: Well, of course, if you have questions and comments on the minister's statement.

Mr R. F. Johnston: I just wanted to say as a comment that I was glad the minister took all that time to gather his thoughts, as he was explaining to me he was before, because it was certainly very helpful.

Mr Morin-Strom: I appreciate the opportunity as the pension critic for the New Democratic Party to be able to speak on this very important bill, Bill 66, the Teachers' Pension Act. Unfortunately, we cannot support the actions that are being taken by this government with respect to the pension plans affecting tens of thousands of teachers across this province.

The principles behind this act are in direct contravention of the beliefs of our party and of the vast majority of the citizens of this province. This bill sets a precedent that is totally unacceptable to us and we cannot see this kind of legislation go forward on third reading.

I think it is most unfortunate this government did not listen to the excellent presentations it heard in the public hearings portion of the standing committee on social development's address towards this issue.

This bill, which was held up by the government and then necessitated a very rushed process of public hearings, did not allow the kind of extensive examination that would have been in the best interests, not only of the teachers but of the government of the day. The government enforced its whip and forced its members on the committee to tow the government line, even though it was quite clear that the actions taken in

this bill were not in line with some of the claims that had been made by the minister on originally introducing this bill or with respect to offers the minister had made to the teachers' federations of this province to enter into discussions leading towards other options for the pension plan that would govern teachers in Ontario.

This government has acted in bad faith in those discussions. It has not seriously addressed the three options that were suggested in this bill. This bill was to offer three alternatives: the first alternative, a government-run plan; a second alternative, a joint control plan, and a third alternative, the opportunity for the members to take over the plan themselves.

In the final analysis this government betrayed its commitment, its statements that it was going to look seriously at all three options and totally rejected out of hand any opportunity for the second and third options. In this bill now it has taken over the pension plan of the teachers lock, stock and barrel. The government has given itself new powers with respect to this plan, powers with respect to the control of the funds that are the property of the teaching profession, of the teachers of Ontario, who are in the plan for the purpose of the benefit of themselves and their families in their later years.

Pension plans are enforced savings plans. They are the most important savings plan we have as a society. The people of this province depend upon their pension plans as a way of accumulating funds so that they have some protection in their later years for themselves and their families. These funds should be managed in a fashion that is in the best interests only of the workers and their families. There should be an obligation, and the principles that we stand for would impose an obligation, upon the fund management that these funds are funds that are held in trust for the benefit of these workers and their families, and that all actions with respect to those funds should be to obtain the maximum return on the fund at the absolute minimum risk and ensure that the benefits of the plan accrue not only to current members but to future members.

This government had studies done for it with respect to pension policy in Ontario, most specifically with respect to the pension plans affecting teachers and the public servants of Ontario. Those studies that were done in the last two years, commonly referred to as the Rowan, the Coward and the Slater studies, all indicted the government quite seriously with respect to the mismanagement of those funds, the inability of this government to put those funds into the

control of boards that were run at arm's length with the government.

This government in this bill has taken over greater control of this plan and this bill sets precedents that we as a Legislature should not see go forward.

1610

This bill has more than 100 sections to it, the details of the pension plan, as this government wants to operate it unilaterally, in a separate schedule, schedule 1 of the bill, which is going to be under the complete control of the cabinet of Ontario. The normal practice in this Legislature is that legislation can only be changed by the Legislative Assembly of Ontario; 80 per cent of the clauses in this bill are put aside into a schedule that can be changed unilaterally, arbitrarily by the cabinet of the province of Ontario, without any reference to the Legislature, without any consultation with the participants of the plan, whose funds are in this plan.

We offered the government the opportunity that if the cabinet of this province was going to want to come in and change the plan unilaterally, arbitrarily, without coming to the Legislature, at the least it should have had to go and consult with the teachers and get the concurrence to make those kinds of changes.

This government has refused that, has maintained its right to be able to change at whim clauses to this pension act. This government has never been serious about the option of joint control. They know that the teachers of this province have indicated that they wanted a joint-control plan. The teachers wanted to speak to the minister about it. They were very interested in it. The minister was categorical in the final analysis late last week, when he finally stated that "we in government are not prepared to accept what the teachers want, which is a binding arbitration mechanism."

This government refused to have any kind of mechanism with respect to how differences, disputes between the joint-control partners of a plan would be able to reach a resolution. In the final analysis, this government wanted to have the final say on all aspects of this pension plan, and the bill, as coming out of committee, stacked by its members towing the government's line, is now one which in fact takes away rights that teachers have had in the past, takes away rights that the Legislative Assembly of Ontario has had in the past with respect to governance of this pension plan and indicates where the government is going in the future with respect to that most

critical issue as to who owns the funds in a pension plan.

This government now is clearly on side with the employers of this province, with Conrad Black and his cronies, that the pension plans of this province belong to the employers. In this case, this pension plan belongs solely to the government of Ontario. They view these funds as not belonging to the teachers of this province, and this government is going to take any surpluses, any actuarial gains that are in this plan and use them for its own purposes, not for the purposes of the beneficiaries of this plan.

When it comes to deficits, the government claims it is going to pay off the accumulated deficiency of some \$4 billion, but its claim is totally belied by its own figures with respect to that repayment schedule. The government has abandoned its commitment to pay off that liability, and just yesterday in committee we received the specific figures, the amortization schedule, that this government has taken, completely overriding the protections of the Pension Benefits Act of the province of Ontario, which protects members in other pension funds. The private sector funds have the protections of the Pension Benefits Act, but the teachers and the public servants of this province do not have those protections.

If there is a liability in a pension plan, there is a requirement under the Pension Benefits Act to meet that deficiency within a 15-year time frame. This government has asked for specific exclusions from the Pension Benefits Act. They are written into the act. The government has laid out a farcical timetable, a 40-year timetable, to pay off this under a payment schedule that no banker, no money manager, no fiscally responsible person could ever accept in the province of Ontario. The payments are not even half what the interest is on that debt. The debt continues to accumulate. That debt, which on the government's own schedule, starting off as 1 January 1990, starts at \$4 billion, is going to increase not just for the next few years. That debt is going to continue to increase for the next 25 years.

That debt to the pension plan, under this government schedule, is going to be more than \$9 billion in the year 2014. It is going to take 25 years before this government stops increasing the debt on this plan. The debt is going to go from \$4 billion up to \$9 billion, a complete abdication of the responsibility of this government for reasonable fiscal management in Ontario, passing the burden on to future governments, certainly not Liberal governments, in the province of Ontario.

A government 25 years from now is finally going to have the obligation, under this law, to start paying off that debt and will be paying it off for the final 15 years, when the debt finally comes down from that \$9 billion to zero.

This government refuses to take responsibility for any of the liabilities and the deficit of the plan and, at the same time, it wants access to the surpluses so that it can avoid making payments into the plan, so that it can take contribution holidays and totally abdicate its responsibilities to the members of this plan.

This bill is utter theft by this government. It is the theft of the funds of the pensioners, the teachers of this province, and it cannot be accepted by reasonable people, by the general public and should certainly not be accepted by all the members of this Legislative Assembly.

I indicate that we are totally and absolutely opposed to this bill. We know what is coming in terms of pension legislation in the spring. The philosophy that this government is imposing on the teachers and the public servants of this province is going to be the same philosophy that the money in a pension plan belongs to the employer, and the pensioners of all pensions that have funds in any fashion in this province had better beware of this government. They had better wise up to what this government is doing. We want to see this pension philosophy turned over completely and utterly.

Ms Bryden: I would just like to commend the member for Sault Ste Marie on his very clear statement that the government has taken complete control of the teachers' pension fund and has refused to listen to any of the teachers' requests for a share in the administration of their jointly paid for pension fund in this province.

The Deputy Speaker: Other questions and comments? Le député de Lac Nipigon.

Mr Pouliot: As usual, you have been ripping the people off, sir. You have refused to make—

The Deputy Speaker: Address the Speaker, please.

Mr Pouliot: Right through you, Mr Speaker, with high respect, you have refused to bargain—

The Deputy Speaker: Order, please. Standing order 22(a) says you address the Speaker.

Mr R. F. Johnston: I think he was. You misinterpreted.

Mr Pouliot: Mr Speaker, you are costing me very valuable time. I acknowledge your presence, with respect, again.

You, sir, are the architect of nothing but an injustice being done to the teachers. You do not

want to talk about your own pension plan because if this one is in trouble—

The Deputy Speaker: Address the Speaker, please; standing order 22(a).

Mr Pouliot: Mr Speaker, to the minister, if this plan is in trouble, can you imagine what your plan, the plan that you, personally, and other members of this House will benefit—you have \$14 billion in one bank account; another \$5 billion in the other bank account. You need not be a mathematical genius or anyone from Harvard or the Massachusetts Institute of Technology: When you are short, you transfer.

Your actuarial figures: The very people that we trust, Mr Speaker, are saying that if the plan is well-managed, if the government had not “gypped” the contribution from the workers from the pensions, the plan could well withstand 50 years of projection, would indeed be very well funded, and the teachers would be the recipients, not of an extra one per cent abuse but the recipients of their deferred wages, of their contributions, decade after decade. You have failed miserably and you are not to be commended.

On the opposite hand, I think the member for Sault Ste Marie has presented the Minister of Education with a unique opportunity to do what is right to redress the wrong that this House has been faced with since the introduction of the bill.

1620

The Deputy Speaker: I invite strongly the member for Lake Nipigon and all other members to read the wording of standing order 22(a) and address only the Speaker and no other member.

Mrs Cunningham: It is with some degree of sadness that I find myself in this Legislative Assembly this afternoon speaking to Bill 66. I want members to know that the Progressive Conservative Party of Ontario, through the hard work of the caucus members here at Queen's Park, especially our interim leader the member for Sarnia (Mr Brandt) and our Education critic the member for Burlington South (Mr Jackson), have spent many hours supporting the statements that the member for Sarnia made and the promises he made to the teachers. That was that the party is totally, completely and unequivocally in favour of a dispute settlement mechanism. The second promise he made is that “this party is willing to fight with you to bring an element of fairness to your pension situation.”

In September 1988 the Treasurer of Ontario (Mr R. F. Nixon) invited the teachers of Ontario to enter into discussions to contemplate real pension reform. Although the discussions began

on a note of high expectations for all of us in the education sector, high expectations for true reform, the Treasurer brought the discussion to a screeching halt on 11 January 1989. Discussions were terminated because teachers disagreed with the government's concept of full and equal partnership. The government's message to teachers was crystal clear: "Since teachers don't agree with our definition of equal partnership, the government is going to legislate pension reform that meets the government's needs and meets the government's agenda."

It appears now that the government's intention from the beginning, sadly, of pension discussions was to impose the government's control model on teachers. Throughout pension discussions with the Ontario Teachers' Federation, the government showed little serious commitment to meeting the pension needs of plan members. The government, we believe, knew all along that the teachers were reluctant to enter into a partnership that did not have a dispute-settling mechanism. The government's definition of pension partnership with the teachers means that the government and teachers should be full and equal partners in the amount they contribute to the plan and in the way they share risks and rewards, but there is no place in the partnership model for teachers to have a voice in the management of their pension plan.

Teachers were willing to share the risks and rewards, but only if they could have a meaningful say in the management of the pension fund. And the only way teachers can have a meaningful say, like other members of our society, the only way they can be partners is for that partnership to have a dispute-settling mechanism, a way of resolving disputes between equals—a basic principle on which our society is based and which we support in this House. However, the government turned a deaf ear to the teachers' understandable desire to be a part of the decision-making process that would decide their pension futures, something that we encourage other groups to do on a day-to-day basis in the business world.

Teachers were not invited to work out the details that produce the three models of plan governance the government afforded teachers. The government's attitude was high-handed and uncompromising, and we all witnessed it. Teachers were not part of the process that drafted the mistake-ridden Bill 41 that the government withdrew in embarrassment earlier this fall, and we reminded it of that at the time.

They were denied a meaningful input into the drafting of Bill 66. When Bill 66 went to

committee, teachers were denied the time it takes to present amendments to a bill that is technical, complex and not without error. "Public participation" it is normally called.

During committee hearings, the Minister of Education became the phantom of the committee. Representatives of almost 150,000 active and retired teachers came to the committee to state their views and express concern about legislation that will shape their pension futures. The committee heard from the Ontario Teachers' Federation, from each of the five provincial affiliates, from the Superannuated Teachers of Ontario and from local teacher organizations across this province, as did individual members in this Legislative Assembly for the last few months.

They came to express their concerns here, as they did in our offices. They came to state their views to the Minister of Education (Mr Conway), but he did not listen. He shut the door. He did not even give the teachers the courtesy of attending the presentation made by the OTF. Since the minister did not come to hear what the teachers had to say, let me tell him, through you, Mr Speaker, what he did not hear for himself.

This is what they said. They are willing to share risks and rewards in their pension plans. They told us that—each and every one of us who are elected here today. But they do want a mechanism to ensure an equal say in the management of their plan. Teachers are willing to pay for the pension benefits they earn, but they want a say in how those pension benefits are costed. So do we in our individual plans.

The government's joint partnership model is not acceptable to teachers because it does not allow teacher representatives to enter into pension discussions with any assurance that those representatives could expect to strike a pension deal. If, under the government's view of joint partnership, there is a surplus in the fund, if the contribution rate is higher than the benefit earned, then there are three options. A contribution holiday for teachers and government is the first one. The second one is an improvement in benefits for plan members, and the third one is a combination of contribution holiday and benefit improvement.

But what if teachers decide they want to improve pension benefits? If the government says no, the contribution is reduced and teachers have no recourse at all. They have no option but to accept the government's decision. How can the government offer a partnership model that gives teachers no say in the management of their

pension plan? Local school boards would never get away with this kind of model, not at all. If local school boards were to operate like this, we would have strikes all over Ontario.

We try to set an example in those local boards, and we looked to the government a few years ago for leadership. This is not leadership. The issues are clear. Basic pensions of teachers are now protected within the Teachers' Superannuation Act, 1983. The government proposes, in Bill 66, to make changes to all aspects of the teachers' pension plan by simply passing an order in council. The Lieutenant Governor in Council has absolute control over the plan, without consulting with teacher representatives.

Government must give teachers 45 days' notice before making changes in the pension plan, but there is no provision in Bill 66 that calls for the government to meet with those whose lives will be changed by unilateral government decisions. Bad management. One would not get away with this in the private sector. Businesses could not keep on moving along smartly.

The Legislature is also excluded from the process under this bill. Any amendments to the Teachers' Superannuation Act must be presented in this House. Bill 66 removes a fundamental protection of the individual by allowing the cabinet to make changes to the teachers' pension plan without coming to this House for debate.

Those of us who were teachers in this province would never allow our boards to operate like that and those of us who are teachers who are elected to this Legislative Assembly know darned well what our attitude was when we were out there in the ranks. Those of us who were school board trustees know how business is operated in school boards, and this is not a good model.

It was only at the insistence of opposition members—and my great respect goes to my colleague the member for Burlington South on the committee that he represented us so strongly on—it was only on his insistence, and that of others, that the orders made by cabinet under section 9 of the bill will come to this assembly, and that only after the fact, not before. The Liberals are abusing their power of government. It is painfully obvious to the citizens of Ontario, especially to teachers, that the Liberals are unwilling to listen to the needs of the ordinary citizen. This is just one of many bills that I have witnessed that have been pushed through committee in this fashion.

The minister had the opportunity to correct some of the major inadequacies of Bill 66, but he shut the door. As an example on that point, the

minister did have the opportunity to accept an amendment that would permit the Lieutenant Governor in Council to amend the plan if the minister and the OTF agreed. If no agreement was possible, amendments to the teachers' pension plan could still be made, as they are now, by presenting the appropriate bill to this House. But no, the minister refused to listen. He repeatedly stated in this House that many meetings have taken place with teacher representatives over the last 16 to 18 months. 1630

The fact is that the minister shut off all lines of communication about teacher pensions with the OTF. The minister did meet with the OTF on two occasions: on 27 October with the OTF executive, a routine meeting by the new Minister of Education, a meeting which places a focus on all educational issues and not just pensions; on 15 November with the table officers of OTF for approximately two hours to discuss the breakdown of communications over teacher pensions. Two hours out of the last four months is not the open government that was the platform of the Liberal Party but a short time ago.

The minister must surely be aware of the meeting his staff have had with the staff of OTF and the affiliates to correct the multitude of errors in Bill 41; meetings to correct the technical aspects of the bill but not to discuss the substantive issues that remain outstanding. It is a lack of communication with the people directly involved in the issues that brings Bill 66 before us today. If the minister had taken the time to meet with the teachers, we would not be here today having a totally unacceptable piece of legislation rammed down the throats of the citizens of Ontario. Basic freedoms have been denied. The practice of democracy is not part of the government's agenda.

Notwithstanding the minister's refusal to meet with the teachers, the time allocated to the standing committee on social development to hear from teachers was severely restricted. This is true of other committees as well. One hour, that is the time the government set aside to hear from the OTF. The medical profession would complain the same way with Bill 147. The provincial affiliates were allotted one half-hour. Local teacher groups were given only 15 minutes to comment on a major piece of legislation that will affect numbers of lives and the lives of their families; a piece of legislation that impacts on each and every one of them for their total teaching career and during their retired lives.

This government has made a joke of the democratic process, a joke that negatively

reflects on every member of this House, regardless of party affiliation. The Liberals are setting a precedent with this legislation that must be avoided in a democratic society. We cannot leave the decisions to the Lieutenant Governor in Council alone. This assembly has a duty to represent the citizens of this province in an open and fair way.

This bill excludes the normal practices of this Legislature and does not reflect the personal and professional needs of the members of the teachers' pension plan. Teachers will be required to pay an additional one per cent in contributions. The taxpayers of this province who I represent as an employer will also be required to pay one per cent more. No additional benefits will accrue to teachers under this bill. The additional contributions will be used to pay off the government's debt, the unfunded liability that the government so graciously indicated that it would be paying. That is what we all listen to.

The government has indicated in schedule 2 of the bill that payments will be made over 40 years to pay off this unfunded liability, an unfunded liability that continues to get larger, not smaller, over the next 25 years. Bad management. From just over \$4 billion in 1990 to more than \$9 billion in the year 2014. This government is transferring the debt of today to the next generation of Ontario taxpayers.

Was this not the very reason why the government wanted to address the teachers' pension plan in the first place, getting back to square one? Was that not the initial question? The government told us, teachers, parents, school board trustees and elected members of this Legislature, that there would be no intergenerational transfer of debt. But future teachers and future taxpayers, including our children, will pay a high price for this government's political expediency. The government cannot follow its own basic principles. How can it expect the teachers of the province to show any respect for its objectives when teachers are treated in such an autocratic fashion?

The minister has fumbled this legislation for the last four months. Today he has dropped the ball. The teachers of this province have called for his resignation because they have no confidence in him. They have called for his resignation because they have lost respect for him. It is understandable why the teachers of this province are angry. This government will force this bill down their throats. Only time will reveal the ending to this sad story on democracy.

Mr R. F. Johnston: I would like to join in the debate briefly, although third reading of this kind of bill, in the face of this kind of majority, is one of those great existential moments of futility and primordial angst. You know you are not going to affect anything, you know there is no chance for amendment at this stage; all you have is a chance to revisit past losses in committee and past examples of arrogance or insensitivity by the government and use these few moments in time to relish the shame that one hopes one can bring on a government at this stage.

First, I would like to take a moment to thank and praise the member for Sault Ste Marie (Mr Morin-Strom), who jumped into the breach because of my being hospitalized and being unable to take the normal responsibility for this bill. Thank goodness he did, because he actually understands actuarial matters in a way that I certainly do not. Even after the limited hearings I have been party to, I still find myself a little bit overwhelmed by some of the language and equations that show themselves up in this legislation.

The member for Sault Ste Marie did a superb job in raising questions that stumped members of the civil service for minutes at a time. There would be these muffled whispers and huddles around the minister as everyone looked a little perplexed and somebody finally came up with an answer, which usually did not—

Mr D. S. Cooke: How long was the minister stumped for?

Mr R. F. Johnston: The minister usually just sat there relatively catatonic, which for him is a rarity, and waited for the wisdom to come forward. It was actually good theatre in many ways, and I really do appreciate the work the member for Sault Ste Marie did. It was superb.

Ultimately, when we look at what we have before us today, it is a bit of a charade that was played out, one which is bound to add to the cynicism that people in general and teachers in particular will have about this process and the process of consultation.

We had a bill that was introduced as Bill 41 which, as I indicated at second reading, broke all records for amendments. We will never know how many there were, but well in excess of 100, we are told. It came back as Bill 66. We then had, right up to the last minute in committee, amendments which were four and five pages long, being read in somnolent tones by the minister in almost incomprehensible fashion. He even managed to stump the member for Halton

North (Mr Elliot), my old math teacher, and others in the committee.

It was a case of a government never really on top of its own legislation, this in spite of the fact that throughout all of it, the government was carrying on this ruse that it was wanting to listen to the teachers and wanting to provide options for them to be able to share in a meaningful way in the administration of their plan.

From the very beginning, and now it must have hit home a week or so ago to the teachers, there was no honesty behind that public presentation by the government that it was open on this matter. It must be very clear at the moment to the teachers that this was just a charade and that in fact the government, from the beginning, wanted this to be its plan, wanted it to be as tightly controlled in as hard-handed and iron-fisted a fashion as I could ever imagine in legislative terms, and that it had never really thought at all about a move to shared responsibility for the workers' pensions.

We had in this period of time the minister becoming aloof, then totally unapproachable and, even when his office was occupied, able to disappear Noriega-like into the ether and not be seen. It was quite a phenomenal approach, teachers now who used to think the doors were open, that even Bette Stephenson was an approachable and open human being in comparison with what they have run into in the last little while.

1640

Mr D. S. Cooke: She was open, but let's not push it.

Mr R. F. Johnston: Did I go too far? I withdraw. It would be dangerous to rewrite history too excessively here.

But I want to just put in context what has been done here. The ministry, through the powers of the executive council and order in council, has the right to establish a majority control of the board for the pension administration. Not only has it got that control, but it now has the extra control of being able to appoint directly the chair if it is not happy with whom its majority on that board would appoint.

It is phenomenal. It is like saying in regard to a committee of this Legislature that the majority of members of the government who are on that committee are not capable of actually nominating their own committee chair. Of course, we have seen that time and time again, so that is probably where they got the idea from.

We have seen a unilateral ability to change the terms of this act and it was only as a last-minute

thought, at the 11th hour, that the government even thought that perhaps there should be a notification provision in this. The first two drafts of this bill did not mention anything at all about notifying the Ontario Teachers' Federation or the other affiliates to the federation of any changes that may be made to the bill, changes that might be tantamount to rescinding the plan itself, if you can believe it.

The government brought in a motion of a 45-day notice, and my colleague and I brought in an amendment which said to make that 120 days so it can be meaningful and put in with this a requirement for consultation with the OTF during that 120-day period and if necessary, if both sides wish to waive this, a provision to waive. This was turned down by the government. This kind of pro forma consultation, not saying the government had to listen to what the teachers said, not saying it had to agree with what the teachers said, but that it should necessarily have to consult with them about changes to a plan which is with their money and which might be tantamount to actually rescinding the plan, was turned down by the government without any kind of a replacement motion on its own part.

If we look at the powers that this government has given itself, it has made Conrad Black look like a piker in pension matters. When I look at my situation and that of anybody else in this House who has a mortgage, I say, "My goodness, I would love to have the provisions for the paydown of my mortgage that are in this plan." It is wonderful. It does not even pay interest. It does not even match the interest that is needed to be paid.

The previous speaker said that it was a matter of turning the debt over to the next generation. That is not true. It is turning it over to three generations down the road, not the next generation but my great-great-grandchildren. By 2014, this government will have lowered the debt that is so enormous and so difficult for this government now from \$4 billion all the way down to \$9 billion. I guess they have that wrong. That is sort of double or more than double the debt, by 2014. That is the next generation.

Mr Reycraft: What is it in 2030?

Mr R. F. Johnston: 2030 is some 40 years from now. That is the point.

Mr Reycraft: What is the debt in 2030?

Mr R. F. Johnston: The member for Middlesex does not have the right to have a mortgage on his house that is 40 years from now and that pays it down then. Everybody else who has a pension plan in the province of Ontario, except for the

public service, which was hurt badly just recently with this kind of legislation, has to pay down his debts in 15 years, and the member knows that.

Instead, what the government has done is set up this wonderful scheme for itself, whereby it takes 40 years and in the meantime, it is going to be able to work out little deals because of its total powers here, to even restrict the amounts of money that it will be putting in if there are certain surpluses and other means of being able to make a little money on the side, as the member for Sault Ste Marie showed time and time again in committee. It is an affront, what the government has done.

If I were a teacher in this province at the moment, I would feel insulted. There is a reversal of roles here which I do not understand at all. I hear Tories now getting up and supporting the teachers and their demands. When they were in government, I never remember their talking about pensions as deferred wages. I never remember their talking about the workers having the rights to control the pension plans. All of a sudden, they do. Those guys opposite, who sometimes used to talk that way, have out-Conraded Conrad Black.

It is just incredible. The Dominion workers, looking at what the government has done, will say, "My goodness, they learned a good lesson from Conrad." Conrad bought himself a newspaper with their pension plan. My rhetorical question is, what is the government going to buy with its profits off their plan now and their money? Nuclear power plants? Is that what it is going to be? What the government has done is incredibly offensive.

I would just say, in closing, that we may have lost this particular battle, the government may have forged new ground here, bad examples for other governments in the country to look at in terms of pension plan legislation, but this will come back to haunt the government, not just those who are teachers and will hear from their colleagues about this but the rest as well. This is an offence not just to people who have a good plan at the moment in the teaching profession, but to those people who hope to have plans that they control and who understand that it is their money that needs the protection and that the government should not have this total Stalinistic control.

Mr Elliot: I have a brief comment to make to set the record straight. I followed the discussion with a great deal of interest and I am sure that the minister who has carried this bill in committee will be responding. I wanted to correct the

record, though, on one personal comment that was made with respect to this last dissertation, to set the minds of the people of Halton North at ease more than anything else.

To the member for Scarborough West, I recognize that I am superannuated, but I have never thought of myself as old, even as a math teacher.

Mr R. F. Johnston: I have a 20-second response. Anybody who taught me math years back—well, number one, that is a contradiction—but anybody who tried to teach me math back in my high school years and claims not to be old at this point has a difficulty in understanding linear mathematical thought.

The Acting Speaker (Mr Breagh): The chair accepts the apologies from both members.

Mr Jackson: I wish to rise and respond to what I believe is a very sad legislative outcome for Bill 66, an act respecting teachers' pensions in the province of Ontario.

It is the Christmas season, as we on our very last day prepare to go home to be with our families, even perhaps to reflect upon all that we have benefited from in the past year, count our blessings and take stock of what we have really accomplished in the last year. For some in this House, this is not going to be a pleasant Christmas. It is not because, quite clearly, with the passage of this bill today, this government will have hijacked the teachers' pensions in this province.

Quite frankly, I consider that unconscionable and I suspect that each member should, with equal conscience, be looking at all of the constituents and the contributions that they have made to this province in the course of the last year and preceding. They singled out in 1986 the doctors in this province and in 1987 the pharmacists and the nursing home operators, and it just so happens that as we close this decade, this government has chosen to attack the teachers of this province.

The fact is that when I look at A Christmas Carol, as everybody does—it is a great tradition for most people—I am going to revisit the Dickens classic, *Oliver Twist*, and I somehow think of our Premier (Mr Peterson) as Mr Bumble, referring to Oliver's very simple request that if he is going to make a contribution, he might anticipate something equal and possibly even slightly better in return.

This image really haunts me. I can see the Premier as Mr Bumble whose comments to date in this whole debate has been limited to his reference to calling the teachers of this province

silly. That is all that he has contributed to this debate in the last year and a half. But that same Mr Bumble Premier is going to waltz down to New York with his Minister of Education (Mr Conway) tightly pinched by the ear with a plan for sale.

1650

He is going to have a pension plan for sale. Quite frankly all he has done with this master-stroke of fiscal reshuffling of numbers is that he has taken the perception by Standard and Poor's and those in New York we in this province borrow money from and has simply gone and said, "We have a plan in which we have responsibility for all the liability, but we can lay claim to only a part of the surpluses of this fund," but now, after today, having passed this bill, that Premier can waltz down to New York and say, "We have a plan now that we control and have all the assets of, but the liabilities are shared more equally now with the plan members."

I, for one, will not succumb to the simplicity of this move, nor the duplicity of it, by voting for it. I will be voting against this bill. My experience in the last two weeks of public hearings and clause-by-clause debate has convinced me that there are several principles that have been put at risk here by some members of this House.

First, I think we have seen a new standard of misconduct in bargaining with a group of Ontario citizens, 150,000 present and former teachers in this province. It has been clearly documented that this government has been bad-faith bargaining with the teachers. As I have said, we in this House have created legislation after legislation to protect employees in this province from employers who would bargain in bad faith. When a government does this to any group in society, there is no law to protect them from the government they have elected. The only way for protection will be exercised at the next ballot box. That cannot happen too soon for the teachers of Ontario.

The fact is that bad-faith bargaining was demonstrated when this government had the audacity to suggest in a letter on 26 September to the president of the Ontario Teachers' Federation, signed by the Treasurer (Mr R. F. Nixon)—I will quote from this letter. He talks about the fact that, "Dr Slater's concept of a new partnership with joint trusteeship appears attractive to us," the government. "Underlying his proposal is the principle that teachers and the government should be full and equal partners in the amount they contribute to the plan, in the way they share its risks and rewards, and in the role they play in

the management of the pension funds in the future."

The key words here are "full and equal partners". The reason that is important is that this was the one and only time this government ever uttered those words to the teachers of Ontario. Meaningful discussions were taking place with teachers, they thought.

The government discussed three options. They discussed the government plan, but they never discussed with the teachers the construction of the government plan we now have before us. They talked about a joint plan. They did not call it a full and equal partnership; they only referred to it as a joint plan.

Then we found out several weeks ago that this government was really unwilling to go to full public hearings. They stood prepared to limit the amount of public involvement in this bill to a few short hours. Fortunately that decision was reversed and fortunately there was an opportunity. Although there was an opportunity for the teachers' federations of this province to participate in those hearings, it is now abundantly clear that the government had no intention of listening.

How can we say that? We can say that because during the course of these discussions with the government, we repeatedly called—both the members of the New Democratic Party and myself persistently called upon this government to publicly declare which of the three plans it was going to promote. Yet they insisted on proceeding with this bill without even declaring which of the options they were going to impose in this legislation.

We had one, the parliamentary assistant to the Treasurer, for example, who indicated, "We were not ready as a government to table our plan, and we certainly were not ready with our amendments." Funnily enough, 20 minutes later, under persistent pressuring of the Minister of Education, all of a sudden magically we had all the amendments appear.

That spoke volumes for the way in which this government has played cat and mouse with this bill, the way in which it has covered its real intent in the way it was going to negotiate with teachers. It is obvious now that certain members of the government were not even advised how the government was ultimately going to play out this bill, so that those teachers who were involved who approached their members in good faith, who came to their constituency offices and sat down, thought they were talking to a backbench Liberal member who understood what was actually going to happen.

Much of the tragedy of this is the fact that the Treasurer has used some of the government members as pawns in this very ugly chess match. That was demonstrated during the public hearings. The contradictions that existed between several former teachers and Liberal backbenchers of his government were demonstrated very clearly.

Mr Furlong: Absolute nonsense.

Mr D. R. Cooke: Your nose is growing.

Mr Jackson: I suggest they read Hansard. They should read something about this bill because it is apparent a lot of the Liberal members have not understood what has been happening with this bill.

As I said, we are always anxious to create bills that will protect employees from employers in bad-faith bargaining, but it is apparent that this government is unwilling to suffer itself with the same standard it would impose on anyone else in society. I want to suggest that this bill will be long remembered for the fact that it hijacked the pension, vested control in the cabinet and has a payment schedule that is frankly irresponsible. There are only two other pension plans we know about that have a 40-year payout figure, the province of Quebec and the state of Massachusetts in the United States.

As has been previously indicated, this unfunded liability will be allowed to grow from \$4 billion to over \$9 billion. This kind of Liberal abuse was visited by the federal Liberals in a previous decade and now it is going to be hung around the taxpayers of this province, on future generations of taxpayers in this province, in a fashion we have never seen before.

They think they are getting away with something cute with this bill and they are not. The fact is that future generations will be strangled by the way they have configured this. They are going to be able to borrow more and more money at cheaper rates, in their view, as a result of this clever fiscal trick. The fact is they have abandoned a principle. The principle has been referred to as well: Pension funds are deferred income and are held in trust on behalf of the plan members or those who have made the contributions.

This government has walked all over that principle by passing this bill and by not accepting some of the amendments. Those amendments were lifted from other pension plans in this province based on standards that have been upheld by our court system in terms of equality and protection for those people who make the contributions, but this government has walked on

that principle. This bill shows contempt for 150,000 active and former teachers in Ontario. This bill will increase a contribution by one per cent and provide the government to take a contribution holiday.

We have tabled over two dozen amendments to this bill. Several of those dealt with improvements for superannuated teachers and for women teachers who badly need some minor adjustments in their benefits package. When I tabled those, the Minister of Education ruled them out of order and said, "This bill is not about benefits." To the Minister of Education: No truer words were said.

This whole exercise never was about teachers' benefits. It never was about their pension plan. It was all about a fiscal strategy for the Treasurer. Every member in this House should remember our earliest days in primary education. We presume that we were all taught well. Our earliest lessons were given to us by our parents and by our teachers in our schools. The fact is that at that time we should have learned about fairness, about equality and about compassion.

It is obvious the Liberal government of Ontario has forgotten those early lessons that were given to us by our parents and by our teachers, and now they are going to suffer the consequences of having walked away from those important principles. I, for one, cannot support that and I, for one, and the Progressive Conservative Party of Ontario will not support Bill 66.

1700

Mr B. Rae: In closing off the debate for our party, I cannot resist saying a few words about the members of the Conservative Party who have spoken today. Over many years I have sat in this House and in other places listening to the Tories with respect to the question of pensions. I want to say that I remember the day the government introduced this bill. The party that was the first to say, "Ready, aye, ready," the party that was the first to say this was the fiscally responsible thing to do was the Conservative Party of Ontario. That is what they said then. That is what their official spokesman who responded on that day said.

I want to remind those who have a very short memory that for 42 years in this province we had a party in power that deprived millions, not just a few but millions of Ontarians of a private pension. We had a government in this province that allowed employers to skim off moneys they decided were surplus. We had a government in this province that allowed employers in droves to go on contribution holidays and not put a nickel

in a plan, at the same time as their employees were forced to put in.

We had a government in this province that sat back and did nothing while employees changed jobs—I remember a fellow came into my office in the middle of the last recession in 1983. He had had eight separate jobs in this province. He came here from Prince Edward Island back in the 1930s and he did not have a nickel in a pension plan, not a cent that he could call his own or that he could take from one job to the next. That is the heritage of the Tories in the province of Ontario when it comes to pensions.

In case anybody thinks it was any different for the teachers, the Tories now describe this plan as the hijacking of a plan. What the hell was there to hijack? Bill Davis sat on that plan, controlled it, ran it and said exactly how it was going to be run and how it was going to be operated. The Tories ran that plan for 42 years. When I hear from the Tories today—they are all around lobbying the teachers and have been the source of all good things for teachers as they prepare for their various leadership campaigns—I want to say that I am more than sceptical; I am derisive of this approach.

To those who are being lobbied, to those who are being importuned, to those who are being paid attention in a way they never were for 42 years, and I can assure members never will be again after an election campaign is over, I want to just say to my friends in the teaching profession—some of them may even be listening to me as I speak—beware, be wary and have a memory that extends beyond the last 30 minutes.

I have heard of wolves in sheep's clothing and I have heard of wolves in democrats' clothing, but this is a bit ridiculous when we have the Tories saying: "Here we are on behalf of employees. We want to fight the battle for employees." The Tories have stiffed employees in this province, whether they are teachers or public sector workers or working in the private sector, for half a century. They did it while they were in government for 42 years. I do not see why anybody should believe them when they are in a well-deserved period of opposition as the third party.

I want to say this as well, to the government—

Mr Pelissero: Be gentle.

Hon Mr Ward: You had the crowd with you. Now you're going to blow it.

Interjections.

Mr B. Rae: I have to be fair.

The Deputy Speaker: Order, please.

Mr B. Rae: The issue before us is relatively simple. The amounts of money involved are very large. No one should be under any illusions about that. The teachers' pension fund, together with the civil service pension fund, raises hundreds of millions, indeed billions of dollars every year. It raises it in two ways. It raises it in terms of contributions that come from teachers and contributions that come from the government, and it raises it in the form of the amount of money that the fund itself accumulates simply through its investments.

The issue, however, is really a relatively simple and clear one. The government has said that instead of having two funds, we are going to have one. We are going to increase the amount of money that has to be paid into the plan by teachers by one per cent, so it will go up to nearly nine per cent of salary going into the fund. At the same time the government said, and it said in many different ways—the rhetoric said—"We want to create a partnership."

Without getting into any of the legal technicalities, what is a partnership? A partnership is something where two people, or three or five or seven come together on relatively equal terms. They determine between themselves the rules by which the partnership will be run. They determine between themselves the ways in which decisions will be made.

In the case of a pension fund, what would a partnership look like? A partnership would look like this: The partners themselves would decide how much money should be contributed to the plan. The partners themselves would decide how the money that has been paid into the plan should be invested. The partners themselves would appoint trustees to the plan who would take responsibility for the plan and determine how those investments should be made.

The partners themselves would determine if the plan needed to extract more money in terms of contributions because it was falling short, or would determine, if things seemed to be going very well: "We can pay out more in benefits. We can allow people to retire a little earlier. We can do something for those who have been retired for a long time because they have suffered at the hands of inflation."

There are all kinds of things. They may determine, for example, that survivors, widows, surviving spouses of people who have died may be very short of money. The plan may not have done enough because it was not a very generous plan 20 or 30 years ago. The trustees may say in their wisdom, "There are some 75-year-old and

80-year-old former teachers out there, or the widows of former teachers, who are not doing very well and we can afford this year to give out a little bit more."

A partnership would provide for one other thing. On any of those questions, how much should be put in or how much should be taken out, and they both put money into the plan, if the partners disagree, in any fair partnership there would be a way of resolving the differences between the two partners or three partners or four partners.

I suggest to the members of the House, to the members of the Liberal Party that this is not what they have done. First of all, it is the government that has said how much money has to go into the plan. They announced it, and when they announced it the Tories said that seemed a fiscally responsible thing to do.

The teachers have said, after much heart-searching I think it is fair to say: "Okay, we can live with that extra one per cent. We can see the logic of having to pay back that unfunded liability, of having to cover for that and of having to be able to pay for indexation which is an important benefit in our society today."

People are prepared to pay for that. I have not heard any objections from teachers to the notion of having to pay more into the plan. There were objections at the beginning. We heard them loud and clear at the beginning, but I think that now the issue is not focused on the question of how much money is going into the plan. That is not the focus.

The focus now is on a different question and that is: "Whose money is it anyway? Who is going to control what happens to that money? Who is going to determine how the plan will be managed? What do we do when there are differences between the various partners as to what is going to happen to our money?"

The government has a response and I want to describe it in as neutral a term as I can. The government says: "We are the government of Ontario. We are the guardians of the public purse. We have a responsibility to all the taxpayers of the province. The money we contribute into the plan does not come from the sky; it comes from taxpayers. It is a substantial sum of money, indeed it is hundreds of millions of dollars a year, which we have to pay into that plan on behalf of all the taxpayers."

The Treasurer has said on a number of occasions, and to give him credit he says it with as much vigour and in that way, that inimitable style he has, "That's a responsibility which I'm

not going to give up; I'm not going to let some arbitrator whom I don't even know and whom I have probably never even met determine how the plan is going to be run."

1710

That is the position which the government has taken. I might point out that it is not a novel position. It is the same position which, I suggest, the party that now sits on my left, the Tory party of Ontario, took for 42 years. If members believe that the Tories would have given over to a third party the determination of a dispute between them and teachers with respect to a pension plan, then I have some swamp land in Florida that I would be glad to sell them at a very reasonable price. It just is not true.

Interjection.

Mr B. Rae: The member for Windsor-Riverside (Mr D. S. Cooke) just said that I should have declared that on my conflict-of-interest statement. It shows that we are getting very close indeed to the holiday season.

I want to try to respond to that argument, because it is a strong argument, and I want to respond to it as simply as I can. It is to say this to government members: When the government puts money into the plan, it does so as an employer. It does not do so, if I may put it another way, as the supreme legislator for all of Ontario. It does so because it is representing the school boards of this province. It is representing them collectively and putting its money in as an employer and therefore—I see members shaking their heads. This is really the dispute that we have. This is the disagreement that we have and that the teachers of this province have with the government on this question. This really is what it comes down to. How democratic is this province prepared to be with money which it puts in and which the teachers put in as well?

I say to members opposite that, as we head into the 1990s, I cannot conceive of our saying to teachers, of our saying to employees whose lives are going to be changed beyond recognition in the 1990s in terms of industrial change, I cannot conceive of our saying to them, "You can put money into the plan, but you cannot determine what will happen to it, you cannot determine the participation rates, you cannot determine the benefit rates, you cannot determine what happens and you have no right to fair arbitration."

Mr Haggerty: Bob, there's three options there.

Mr B. Rae: I hear the questions and the heckling coming from the opposite side. I can

just say to the members opposite very sincerely that this question will not go away because what the government has done, as an employer, to the teachers is precisely what employers are doing to their own employees across the private sector.

Now, I know full well the corridor talk out there: "Teachers are well paid. What are they moaning about? What are they griping about? They are well paid. They have a good early pension plan. They have a good pension plan. Why are they complaining?" I know full well that the government has taken the view that it can afford to isolate the teachers on this issue because they are seen by much of society as a relatively privileged group, a relatively well off group in comparison with some others. That has been the political calculation that the Liberal Party has made.

But I want to suggest to the Liberal Party members that they have made a terrible miscalculation because they have failed to understand that this is not a question simply of how much money is put in or indeed how much money is paid out; it is a question of who owns the plan. It is a question of ownership of the money which you put in, and with that ownership should come some rights. I want to suggest that what we are beginning to see in our society—I could give another speech in which I would say I think it is part of what we are seeing around the world—is a desire on the part of people to take more responsibility for what they see as theirs and a determination not be pushed around and pushed aside.

The teachers' claim to arbitration is a perfectly legitimate claim when you consider the hundreds of millions of dollars of teachers' money that is in that plan just as surely as the employer has put money into that plan. It is as much theirs. That is what makes the teachers' claim to arbitration such a profound one and such a democratic one. So when I hear the government laying claim to whatever surplus comes down the pipe—and I know there are those who say, "There is no surplus"—I can assure members that it is quite possible that indeed there will be one, given the ways in which contribution rates are established and the ways in which the conservative estimates of the plan's investment possibilities have been set out by the government. I just say that.

The government is acting no differently from any other employer. My colleague the member for Scarborough West said it most clearly when he compared the government to Conrad Black. I have made that comparison myself on a couple of occasions. Why did we get mad at Conrad Black?

We got mad at Conrad Black because he took the money as surplus—and the court said he could not do that—and because he insisted, on occasion, on going on contribution holidays when he thought there was enough money in the plan. If I may say so in response to the Liberal members who are sitting there quietly listening to what I have to say, I do not see any difference in what this government has done. They are saying, "We get the surplus, we can go on contribution holiday if we want and we will determine how the plan operates." Then they say to the teachers, "Now you can run the plan."

I want to say this about that because it may well be that the Minister of Education will again make that as his final offer, saying: "Fine. If this isn't good enough, you run the plan." Run what plan? They are asking the teachers to run a plan for which the government legislation has determined what the rates of contribution will be. The legislation determines, by regulation and by law, the plan in every way, shape and form, and then they say to the teachers, "Now you run it." Run what? If we are not prepared to give people the responsibility of taking responsibility for these decisions and some real rights when it comes to determining how a plan will work, how it will be invested, rather than as a kind of captive of government policy, I think the teachers are right to be very sceptical and say: "What exactly are you asking us to run here? What are we being asked to carry the can for, something for which we have no real responsibility?"

In closing, I want to suggest to members that what I believe the government has done is ultimately going to be of great benefit to the province for this simple reason. It has created an alliance of public servants, of teachers, of private sector employees, those who have plans and those who do not have plans, who recognize that the savings that are accumulating in pensions today are worth billions and billions of dollars and that within Canadian capital markets they are among the most significant players in a modern economy. I see the prospects of a social revolution in the 1990s where teachers and public sector employees and private sector employees are going to say:

"We can run these plans. We can run them on behalf of our members. We can run them on behalf the people who have elected us to do that job. We want to take responsibility for those decisions, we want to take some ownership of those plans and we want to be given the responsibility and the right to participate in those plans and the right to arbitration if there are

disagreements between us and employers as to what should happen."

But what we have is the first step in a government strategy. They have done it for themselves when it comes to the public sector, when it comes to teachers, and now the next strategy will come when they do it for private sector employees. All I can say to the government is that they have created a democratic alliance that has a very different vision of our pension future and for that we in this party as, if I may say so, the advocates of that alliance, certainly since I have been in provincial politics, are truly grateful.

Mr Jackson: I have to rise and respond to the leader of the New Democratic Party. I am surprised that Bill 66 has provided him with an opportunity, in the presence of the teachers' federation, to dust off an old Tory-bashing speech which he had really hoped he would be able to present at the New Democratic leadership convention earlier this year.

Interjections.

The Deputy Speaker: Order, please.

Mr Jackson: It probably shows why he is the longest-surviving leader of a political party in Ontario. I am quite convinced that he would rather revisit history than challenge the future, and that is what we are here to do in the House today. I am sure he is disappointed, but I would like to suggest that the teachers of this province will judge for themselves the conduct of every single member in this Legislature. They will bear witness to every single member in this Legislature for their conduct, and the political parties, not only on pensions but on all education issues, whether or not certain political parties have taken a holiday of conscience on the important issue of defence of public education or the promotion of destreaming in spite of all the pedagogical evidence to the contrary. I would rather forge a consensus with the member than try to claim unjustly that we championed a cause in the presence of those victims when that really is the issue before us today.

1720

Hon Mr Conway: It has been a good debate. It has been a long debate, as we can see this afternoon. It is a debate on which there is a variance of opinion.

I want to begin my closing remarks, and they will be brief remarks, by thanking the members of the House who participated this afternoon. The member for Scarborough West rightly observed the very excellent contribution that has

been made by the member for Sault Ste Marie (Mr Morin-Strom), someone with whom I have not found myself in very much agreement, but someone for whom I have obviously gained a great deal of respect as we have worked our way through a very complicated piece of legislation.

Having talked about primordial angst, my friend the member for Scarborough West has left me—

The reference to Noriega seemed to be also very special for this time of year.

What does one say about the member for Burlington? I really, as always—

Interjections.

The Deputy Speaker: Order, please.

Hon Mr Conway: I do want to say that I thought the members of the standing committee on social development, under the very able gavel of the member for Ottawa-Rideau (Mrs O'Neill), discharged their important responsibilities in the discussions of and in the deliberations upon Bill 66 in an exemplary fashion. I want, simply as a visitor to that committee, to pay tribute to the committee, to the chair particularly and to my colleagues the member for Durham West (Mrs Stoner), the member for Middlesex (Mr Reycraft), the member for Halton North (Mr Elliot), the member for Northumberland (Mrs Fawcett) and certainly to my parliamentary assistant for Education, the member for Kingston and the Islands (Mr Keyes), many of whom bring an experience and a sensitivity to this particular issue that I do not ever expect to be able to match from personal experience. As Minister of Education, I want to say that they have served the Legislature, and certainly served the community, very well.

As well, I have to commend those who came forward during the hearings process. I know a number of the presenters are here today. While we have not agreed, they certainly made a very valuable contribution, pointing out how it is they would like to see the bill amended and the policy changed.

As a final thank you, I think the members of the committee would join me in paying tribute to a number of people who are in the gallery here today. I am going to name some of those people from the teachers' pension policy unit: Janet Skelton, Nancy Hoch, Margot Nielson, Reva Orlicky, Joan MacCallum, John Burton and John Viktorin. They have all been extremely helpful to me and to the committee. As I think my friend the member for Scarborough West was pointing out, they have provided answers to questions that, quite frankly, the minister was not immediately

able to provide. I want to particularly thank Janet Skelton and that group, including Kathy Bouey and the people from legislative counsel as well, because this bill, as has been commented upon, was not uncomplicated.

I want simply and finally to indicate what the government has been about in this particular initiative, as my friend the Treasurer appropriately joins us at this point. It was several months ago that the government indicated its intentions in the area of teachers' pension reform. We recognized that the plan, which is a good plan, was in some difficulty, that the indexation benefit that had been provided some time ago was simply not properly funded and that in the intervening years, from the mid-1970s through to the late 1980s, there had accrued a very significant unfunded liability on that account. We felt an obligation to the teachers, both those who are now retired and those who will retire at some point in the future, and to the taxpayers because I think it has to be said that both teachers and taxpayers have a very real interest in this plan being healthy and able to meet the obligations expected of it into the future.

I have said to the committee that I have not been particularly happy about being faced with the situation which was allowed to develop over these past 13 or 14 years. Like my friends in the opposition, I would rather make peace than cause discord. I know the joy that it brings to one's soul to be able to, on a day like this, offer the kind of rhetorical flourish that members opposite have done with a very considerable and calculated effect today. I used to do that myself; never as well, but I understand how fulfilling that can be.

Let's not kid ourselves. We have a plan which is in trouble, and it ought to bring no great joy to anyone in this assembly that for whatever reason a plan of such stellar offering has none the less come to such difficulty. I simply have to say to the Leader of the Opposition that I do not want it said into the future that this government or this Legislature was in any way responsible for an inadequacy that was going to hurt the plan into the future. What we want, of course, is to make sure that this plan is going to be adequately and properly funded so that the benefits which it offers will be there for the teachers when they retire. That has to be stressed in a way that has not perhaps been underlined by my honourable friends opposite.

When I meet the teachers across the province, and I have met several over the past number of weeks as we have continued the debate, I have engaged—

Mr Jackson: You must have bumped into them, Sean.

Mr R. F. Johnston: Coming and going to my office, I bump into them all the time.

Mr Brandt: They have even gone to your office.

Hon Mr Conway: I have bumped into them and I have invited them to discuss the matter with me. I have to say to my friend the member for Sarnia that they have come to my office. They have come, I am sure, to his office as well.

The difference in perspective between us at this particular point in time—that is, between the government and the opposition—is that while the opposition can enjoy the rhetoric, we must accept the responsibility. It is a responsibility that I take very seriously. I know the kind of easy politics that would allow one certain licence in this debate, but I have to say as a responsible minister of the crown that I do not want to be in a position, now or into the future, where I am going to have to face the teachers of this province and tell them how it is or why it is that this plan cannot deliver the benefits that they rightly expect it is going to deliver.

If we do not make the changes that this bill contemplates, I can assure honourable members that this plan will not be able to provide the benefits and meet the obligations expected of it. Let there be no confusion or any great disagreement about that. That is my obligation and the obligation of the government to those thousands and tens of thousands of teachers who quite rightly look to this Legislature for a responsible government, and we are offering it, however painful it may appear to some in this particular initiative.

I do not think it does anyone any good to wonder aloud how a predecessor government could have entered into the kind of arrangement that has brought us to this unhappy fate in 1989. What it was that motivated a Progressive Conservative government, as the 1975 election dawned before it, I cannot imagine. I was not here at the time. I am simply saying that we as a government feel a need to put this very important and good plan on a sounder financial footing than it has known in the recent years. The members opposite know what of I speak.

We have a benefit, an enormously important but a very expensive benefit, called indexation that has been inadequately financed. I simply want to say to my very good friends opposite that they would want and expect a genuine responsible government—what they want and expect of an opposition I will leave to their private

consideration—to act in a way that was going to ensure that a pension plan like this, a defined benefit plan, was going to be able to meet the obligations expected and demanded of it.

1730

Mr B. Rae: Give this man a vest and a watch, please.

Hon Mr Conway: I do not give the Leader of the Opposition any great quarter in this debate, except to say that he will of course want to tell the people of York South that, as part of the arrangement made, the government has accepted full responsibility to retire the multibillion-dollar unfunded liability that has developed between 1975-76 and 1989.

My friends in the no-down-payment party of course are not happy with the Treasurer and the government's decision in so far as a schedule for amortization is concerned. The Treasurer ought to have heard them last night. It was really an indication that Christmas was here, because I have not heard a socialist advance the arguments that were being advanced late last night about the fiscal irresponsibility of the government in so far as meeting an obligation that we have accepted is concerned.

Hon R. F. Nixon: They wanted to renounce the obligation?

Hon Mr Conway: I will not perhaps use the phrase that I would like to, but there is a very large lemon out there called the unfunded liability, and I have not heard too many in the community offer to pick that up. The Treasurer has grudgingly, from his point of view, agreed—

Interjections.

The Deputy Speaker: Order, please.

Hon Mr Conway: —painful as it must be, to say, “On behalf of the taxpayers of Ontario, we will accept the full responsibility for what we expect will be a \$4-billion-plus unfunded liability.” That we have accepted to pay.

Interjections.

Mrs Marland: How come you're not so worried about the WCB?

The Deputy Speaker: Order, please.

Hon Mr Conway: The deputy House leader of the Progressive Conservative Party, newly anointed, opines that this may not be adequate. I am sure that in her time as a member of the party when the party of which she is a member was in government she offered that kind of advice to her friends when they had the responsibility and did nothing to address it.

Let's not kid ourselves about what is at issue here. The plan is in trouble. We seek to put the plan in a much sounder financial position. We have accepted the responsibility for the unfunded liability. The opposition does not like the way in which we have indicated we will do that; that is understandable.

I must say, finally, how much debate has there been heard about the question of partnership? Let me just conclude my remarks this afternoon by saying that this policy and this legislation provides a range of options.

Mr Rae: Ha ha.

Hon Mr Conway: The Leader of the Opposition giggles; guffaws.

I can say this, in fairness to the Ontario Teachers' Federation: When they had to make a choice, when the heat was on, for all that we have disagreed, at a critical moment they were not heard to say, “Mommy, mommy, what do I do?” They indicated that they were not ready for a member-run plan, and I understand that, but that is an option provided for in both this policy and in this legislation.

My good friend the member for Victoria-Haliburton (Mr Eakins) was talking to me earlier today about, how is it that OMERS is a member-run plan and we cannot get to a teacher-run plan? That is a good question and I hope over the coming weeks and months and years that I am going to have a more positive response to my good friend the member for Victoria-Haliburton.

Interjections.

The Deputy Speaker: Order, please.

Hon Mr Conway: Of course, a lot has been said about a partnership, and I must indicate as well that it is, I believe, the preferred option from both the teachers' and from the government's point of view to have a partnership, but I have to say here what I have said here before and elsewhere: While we are interested in a partnership and while we will continue to explore in good faith with the teachers a discussion about how it is we can come to partnership—

Mr R. F. Johnston: You wouldn't even consult.

Mr Morin-Strom: You wouldn't even talk to them.

Hon Mr Conway: My friends opposite, particularly my friends in the New Democratic Party, seem to think that consultation must mean agreement. I have consulted with the Ontario Teachers' Federation—

Interjections.

The Deputy Speaker: Order, please.

Hon Mr Conway: —I have consulted with a variety of individual teachers, and I have said to them that we are interested in partnership, but we will not accept a partnership based on a collective bargaining principle. The kind of partnership we want is and must be a partnership of equals, and that must be a partnership of equals where both parties accept equally the share of risk and reward.

Mr B. Rae: And you decide.

Hon Mr Conway: My friend the Leader of the Opposition knows precisely what I am talking about: A partnership where one party gets all of the risk and the other party gets all of the rewards is not, in the eyes of most people, a real partnership.

So the teachers have indicated in the here and now that any partnership that does not contain binding arbitration as a dispute resolution mechanism is simply not on. I respect their right to say that and to believe that, as I expect they will respect the government's right to argue that a partnership cannot contain binding arbitration.

That is not to say that there are not other ways of creating a real and effective partnership, and I want to be very clear, as members break for the holiday season and as this bill passes through its final stage before royal assent, that as we enact this legislation, at first instance we are of course, opting for the government-sponsored plan because we have not been able thus far to work out a partnership and the teachers' view that a member-run plan is not yet possible, but this legislation provides that we can move on from a government-sponsored plan to one of those other alternatives, and I sincerely hope and I expect that in the future we will move on to one of those other two models for governance.

I recommend this legislation and the policy which informs it as very, very important legislation that I believe is in the interests, not just of taxpayers, but of all the teachers currently teaching and those retired, because it is in their interest that this plan be in better health to face the obligations of the future than it was before Bill 66 was considered.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the "ayes" have it.

Call in the members.

Hon Mr Ward: Mr Speaker, we seek consent to take the division at the conclusion of the business of the day.

The Deputy Speaker: Is there unanimous consent for the government House leader's motion to take the vote at the end of business of the day?

Agreed to.

1740

The Deputy Speaker: If the government House leader would want to consult with the Clerk Assistant, what is the new wording now, please?

Hon Mr Ward: The vote will take place concluding the budget debate.

While I am on my feet, I will seek unanimous consent that the business of the House continue past the normal adjournment hour and that we complete the business of the day.

Agreed to.

Hon Mr Ward: I would also seek agreement before the next order that the time be divided equally among the parties, 20 minutes for each speaker.

Agreed to.

BUDGET DEBATE

(continued)

Resuming the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

Mr Brandt: There are many important debates that occur in this House. We have just concluded one with respect to Bill 66, which of course is of vital and critical importance, but perhaps when you look at the activities of the government as they relate to Ontario, there is no more important, no more vital and no more critical activity than that of the budget that is brought in by the Treasurer.

It is interesting, when one looks back at the history over the course of the past few years, when the Treasurer sat on the other side of the House, when he in fact was in opposition, and the position that the Treasurer took in connection with such a long litany of activities on the part of the previous government as they relate to tax increases and the very articulate and I think the very forceful position that was put forward by the Treasurer, which essentially boiled down to a position that you cannot take too much out of the economy without causing a whole series of problems, some of which are inflationary, some of which can in fact spark a recession. Certainly, at the very least, some of these tax increases can

result in a very major and very significant slowdown in economic activity.

What disturbs me is that the very lessons that the Treasurer attempted to share with all of us during the course of his many years in opposition were lessons that he did not take to heart himself.

I said to the Treasurer during the course of question period one day, and it pained me to have to do this, that I would like the Treasurer to share with me another jurisdiction anywhere in North America that is raising taxes as rapidly as his government and under his stewardship. The Treasurer was unable to, or unwilling, or perhaps refused to respond to that particular question, because it is my belief and that of the members of my party that in fact there is no other jurisdiction anywhere that is raising taxes as rapidly as the government of Ontario.

We have had record increases in revenues because there has in fact been a very strong Ontario economy, for about, I might add, two years prior to the government changing hands. But the fact of the matter is that during the period of time that this government has been in office, increases in revenues have been moving up at an extremely rapid rate, which is good for the economy, but what is bad for the economy is that those increases in revenues have been coupled with absolutely unbelievably high tax increases at the selfsame time, at a time when we would expect—

Mr D. R. Cooke: Why is the economy doing so well then?

Mr Brandt: I am going to share with the member for Kitchener some ways in which some savings could have been introduced by the government of Ontario so that it would not have had to increase taxes as rapidly as it did. But the reality is—and I do not believe that there is any question whatsoever in the minds of any of the government members; certainly there is not in terms of the members of my party—that there is no government anywhere that we know of that has raised taxes as rapidly as has happened under the current Treasurer.

What does that mean in terms of its impact on the Ontario economy? I happen to have, I guess, a degree of fiscal conservatism in my blood. I make no apology for that, because I know that the minister has to pay the bills, I know that he has to fine-tune the economy to be competitive and I know that he has to be very sensitive in his application of various tax initiatives to make sure that he does not tilt the balance too far and let government become too intrusive into the lives of each and every citizen whom we are attempting

to provide programs for and whom we are attempting to provide a better way of life for.

The reality is that the tilt has occurred with this government. The member for Renfrew North (Mr Conway) said today that this period of time will be known as the Nixon boom. I would suggest to members that in the short period of time ahead, the boys at the Shell station will be referring to this as the Nixon bust, because in fact the economy is starting to slow down very rapidly, I think and I would put forward the argument that that is happening in great part because of far too many tax increases that have occurred and that I do not believe were necessary. Those tax increases are in great part the result of the Treasurer's decisions and the decisions of the government of Ontario, quite frankly, to become as involved as they have become involved in the economy of Ontario.

Not only have they done this, but they have passed on extremely high tax increases as a result of passing on responsibilities to the other levels of government, primarily municipalities and school boards. It is interesting to note that when this government came to power, some 46 or 47 per cent of educational administration costs were funded by the government of Ontario.

Mr Harris: And a good government it was.

Mr Brandt: A good government it was at that time, certainly.

When the present government was in opposition, it looked at those numbers and indicated that that was not good enough, that it was in fact going to provide even more money to make education a more fairly funded service of the government of Ontario. In fact, that particular funding has eroded very rapidly in spite of these record-breaking tax increases. We are now moving towards 40 per cent government funding on the part of the province.

I would point out that it was not all that many months ago that we sat in this House talking about courtroom security. It was the Attorney General (Mr Scott), who I am pleased is in the House today and listening to this debate, who said: "Courtroom security is not going to cost the municipalities any money. Courtroom security is going to be a free pass-through of responsibility, and boy, they are going to be so pleased to receive this new program."

I want to tell the Attorney General he is wrong. The municipalities across this province have indicated virtually unanimously that he is wrong in passing that program on to them. They now estimate that the cost of that program in terms of increases in municipal budgets is going to add

about one per cent to the tax rate of the local municipalities. That is in addition to all of these other costs that he has passed through.

How does the government solve the problem of putting too much of a burden on local municipalities? First of all, they have cut back educational funding; second, they added on courtroom security; then they add on the municipal-industrial strategy for abatement program that was introduced by the Minister of the Environment (Mr Bradley).

Did they in fact provide any funding to assist with that program? No. What they have said is that municipalities have an obligation to meet certain environmental targets, certain environmental objectives, but that in fact that is going to have to be funded at the local level. Once again, they have passed on costs that I feel are irresponsible, from the standpoint of the decision-making of the government and should never, ever have been introduced in the fashion in which they were.

1750

Sunday shopping, the favourite subject of the Attorney General which comes up all so frequently: Instead of the Attorney General leading the fight on Sunday shopping—you can shop in certain parts of Ontario quite legally on Sunday at the moment—I say to the Attorney General that in passing on the full responsibility for Sunday shopping to the local municipalities, he has one more time added costs to the books of the local governments and the local municipalities.

Why is it, I ask the Attorney General and through him the Treasurer (Mr R. F. Nixon), that municipalities are so upset? Why is it that for the first time in 90 years the municipalities had an emergency meeting in Toronto and felt it necessary to get a message through to him very directly, that message being that he is passing on responsibilities without the concomitant financial resources to look after those responsibilities?

It has never been that way before. The Treasurer can sit there with his pious attitude, but the reality is that he is setting off double-digit tax increases for local municipalities right across this province. That is unacceptable. The property taxes in this province have been and will continue to be the most regressive form of taxation, but he does not care about that. He simply dreams up these new programs, whether they be in education or whether they be for municipal initiatives, and then he passes on the costs without recognizing how extremely expensive they are.

I have to tell the Treasurer that when he made the decision a year ago to freeze unconditional

grants, he sent a very clear message to the municipalities that he was not going to work with them as equal partners in local government, which I believe is a provincial responsibility. He sent a very clear message that they were on their own in terms of having to raise adequate local taxes, which were escalating very rapidly at that time and were aggravated even further by the unconditional grant freeze he brought in. That has resulted not only in the large tax increases of last year, but even larger tax increases are expected this year.

I indicated I would share with some of the members of the government ways in which the government could have saved some money. When you take a look at some of the expenditures that have been introduced by this government and at some of the ways in which it has squandered taxpayers' money, it is a wonder the Treasurer even shows up in this House. It is a wonder he comes here this evening to hear some of the messages I want to share with him.

Let us start with one of the most expensive programs. Seven thousand new, additional civil servants have been hired. At a time when virtually every other government in Canada has reduced the size of the bureaucracy, the Treasurer is running against the grain. Now I am not suggesting for a moment that he could save the salaries and the costs and expenditures related to 7,000 civil servants, but I will tell him this: He could quite easily have slowed that increase down. He could have hired fewer people. He could have saved multimillions of dollars, which he did not do.

The cost of that, I might add, and the Treasurer is well aware of this, was some \$350 million annually, and that translates over the four-year period of a government's mandate to about \$1.5 billion. In consultants' fees he is now up to \$165 million, and \$165 million over four years is another \$500-million bill. A very substantial chunk of that money, in my view, again could have been saved. When he hires 7,000 new civil servants, the next thing he has to do is go out and lease space for them, buy office furniture for them, pay travelling expenses and do a whole myriad of other things that are necessary in order to look after those employees.

It just so happens office space is relatively expensive here in Toronto, and that office space—

Hon Mr Peterson: In North Bay.

Mr Brandt: Yes, there was office space leased in other areas besides Toronto, but the fact of the matter is that the office space alone that was leased by his government in Toronto

amounts to some \$60 million a year, an expenditure over four years of close to \$250 million.

Just those three programs alone—7,000 new civil servants, consultants at a \$165 million a year, leased space at some \$60 million a year—those expenditures over the life of a government add up to billions of dollars, a very substantial percentage of which could have been saved.

Let's look at some of the smaller items that are so aggravating when we take a look at how they slip through and how these mistakes were made. We had an eight-and-a-half-minute video. My colleagues will recall that the government wasted some \$750,000 to have it produced. In checking with the people who are the professionals in the field and who talked in terms of what the normal production costs were—I happen to be in favour of the film. I happen to believe in the promotion of Ontario, particularly from an industrial standpoint to create new jobs and new opportunities. I am totally in favour of that.

If it was a \$50,000 expenditure, I would not be mentioning it. In fact, if it was a \$100,000 expenditure, I would probably give the government the margin of error and say that maybe it is a supercolossal stupendous hit of some kind that should be worth something in the order of \$100,000. But \$750,000 is so far out of whack. It is so high compared to what that product should be priced at. Again, it is a very flagrant waste of taxpayers' money.

Within the last few days we had the Minister of Revenue (Mr Mancini) jump the gun. Maybe he was trying to impress the Premier (Mr Peterson) with how he was going to operate the Ministry of Revenue, but here is the man who is the collector, here is the man who collects all this revenue and what he does is make a very classic error in taking a precipitous kind of step where he has a whole series of instructions printed up by the thousands in advance only to find out that the information was wrong.

The Treasurer should extract those dollars from the very flesh and bones of the Minister of Revenue. What the Minister of Revenue has to do now is literally eat some \$100,000 worth of incorrect information that was going to be sent out to the people of Ontario.

Those kinds of areas, those kinds of mistakes are just simply unacceptable. It is needless. It is senseless. It is irresponsible spending, and at a time, I want to say to the Treasurer who does have a grasp of the economic realities of the day—he knows and has stated so many times

before that you cannot substantially increase government spending without reducing consumer spending. If you take all of this money out of the economy—he knows as well as I do that on 1 January 1990 he takes out of the economy of Ontario another \$3 billion on top of everything he has done up until this point in time. It is simply too much and the citizens of this province cannot withstand that kind of tax increase.

This comes at a time when there is a slowdown in business investment, when consumer spending is down and retailers are suffering, as he well knows from the sales that are going on well before Christmas. Layoffs are occurring in many of our industrial operations throughout the province. We have a rather dramatic slowdown on the horizon. When does the Treasurer choose a point in time to take these additional dollars out of the economy? He chooses 1 January 1990 when we will need the maximum of activity in terms of consumer spending to help the economy get through this very rough period.

1800

In the few moments available to me, let me give members some indication of the kinds of thought processes that go through Liberal minds. They are going to increase the employer health levy by \$2.5 billion—a new tax—but as the Minister of Health (Mrs Caplan) and the Treasurer have said, "We are going to be putting \$1 billion back into the taxpayers' pockets," and they are, but they quite inappropriately try to describe and depict that as some kind of a windfall for the people of Ontario in terms of the new \$1 billion that is supposedly going back into the taxpayers' pockets.

The fact of the matter is that it is dumb move and it is taking an additional \$1.5 billion net out of the economy. They are taking more money out than they are putting back in. All they are doing is shuffling around the sources from which they are going to be extricating these particular dollars.

I have to tell members that as a result of the activities of the Treasurer and as a result of the budget that has been brought in by the Treasurer of this province, I have an amendment that I would like to move at this time.

The Speaker: Mr Brandt moves that the amendment to the motion be amended by deleting all words following "condemns the government for" and inserting the following:

"Failing to consult with farmers on major program cuts and its continuing insensitivity to the needs of Ontario's agrifood sector; its failure to control its expenditures which will in turn make it more difficult for the province to support

positive measures to assist Ontario citizens during an economic slowdown; pursuing tax and regulatory policies which stifle economic growth and which threaten to undermine the competitiveness of Ontario's industries;

"Failing to develop an economic strategy to reduce regional disparities in the province and to encourage sustainable growth; its hostile attitude towards the province's small business sector as exemplified by the imposition of the new employer payroll tax; the continued deterioration of the province's health care system and its failure to honour its commitment to provide 4,400 new hospital beds;

"Its efforts to transform driving into the new sin activity in Ontario, with increases in the gasoline and fuel tax, vehicle registration tax, an increase in the cost of licence permits, and its introduction of a new tax on tires; failing to address adequately the needs of those on social assistance and those who require food banks to survive;

"Failing to address adequately the environmental issues besieging the province; failing to recognize the uniqueness of the Rouge Valley system and deeming it a provincial park in order to preserve it for generations to come; failing to practice sound management techniques in controlling the growth and excessive expenditures necessary to sustain the civil service;

"Therefore, this House declares its lack of confidence in the government."

Mr B. Rae: It is always a pleasure to participate in debates in the House, but none as much as on this occasion because this is the first time in memory that I can recall the Premier being here for this discussion. It is a courtesy I appreciate and I say that sincerely.

I am sure he will recall his days as Leader of the Opposition, the occasional sense of frustration one felt that whatever pearls of wisdom one had were not necessarily being paid any attention to. I have never had that sense and I know that everything I say is taken very seriously by the government, as it is by members of the third party which sits to my left.

Mr Brandt: By two seats.

Mr B. Rae: By two seats; well, there you are.

Mr Brandt: Let's just keep things in perspective. Don't run away with this.

Mr B. Rae: It looks good on him. Let me enjoy it.

I think it is fair to say we are in the middle of a rather dramatic change in the life of the province. We have come, I think it would be fair to say, if

not to the end of an unparalleled period of economic growth and of expanded revenues, then we are certainly coming to a point where all the indications and all the signs are that the increase in jobs, the increase in employment and the steady increase in output, which had been very much an underpinning of the years since 1983-84, is no longer something we can take for granted or can assume is going to continue to be the case.

There are many causes for that change. Some of them are beyond the control of this government. No doubt it will be very easy for members opposite and others to simply point to a litany of mistakes that have been made, point to the federal level where we are indeed the victims of policies that make no sense. Our dollar is too high to make exports competitive. Our interest rates are too high to allow small businesses to expand. The Tory tax system in Ottawa is a devastating tragedy. These are all realities with which our economy has to contend.

We have a free trade agreement that has created enormous problems for many sectors of our economy. We have as well broader changes, environmental changes that are taking place. It is not possible for governments to carry on as if we did not have to worry about the greenhouse effect, as if we did not have to recognize the very real changes in an environmentally sound approach to governance and to the economy, and the dramatic effect these changes are going to have on our own economy here in Ontario. We are all having to change. We are having to change our habits as individuals, and governments are going to have to change their habits as well. I can only say that I see no signs from this government that it recognizes the seriousness and severity of the changes that are there.

Let me start by saying that I do not see the logic of the ways in which budgets themselves are presented. I think we are past the day when a budget can be presented that does not do two other things. As well as presenting us with an indication of what outputs there are, of what unemployment will be, of what tax revenues will be and what expenditures will be, the normal statement of what is in the a budget, I think we need two other kinds of statements that are not out there as a sort of frill, but are integrated into our budgetary process, integrated into the way governments make decisions.

I want to suggest that we need, as well as a pure and simple sort of bottom-line economic approach, which I will be going into in a moment, an environmental statement from this

government that comes simultaneously with the budget it presents.

We cannot go on as schizophrenically as we do. We have governments that say that growth is inevitably a good thing and you have treasurers who take great pride in growth and treasurers who talk about the growth in revenues that comes from the economic growth that is out there and the growth in output that is there.

At the same time we are, as a society, not only benefiting from that growth; we are also paying the price of it. Growth is not an unmitigatedly good thing. It is not an unlimitedly good thing. The kind of economic growth that is taking place in our society has enormous costs for us as well as benefits.

Whether we argue about Temagami, whether we argue about the future of forestry, whether we deal with the costs of growth in terms of pollution, whether we deal with the costs of growth in terms of garbage disposal, whether we deal with the costs of growth in terms of urban congestion and the decline of the quality of life in many of our urban centres as a result of the kinds of growth that has happened, I want to suggest that we need, as well as the economic pros and cons, the pluses and minuses, the intakes and the outputs, a clear statement of where we are at environmentally.

The Treasurer is going to have to get used to this. He is going to have to get used to understanding that growth is not by itself a completely great thing. I would compare it to the Treasurer going to the doctor and the doctor saying to the Treasurer, "Bob, I want to tell you have grown 10 pounds this year." That is growth; it is growth of a kind.

1810

Mr Laughren: He'd be happy with that.

Hon R. F. Nixon: Very attractive it is too.

Mr B. Rae: That is growth of a kind. He wears it well. It looks good on him. But I say, in all seriousness, when we deal with this question of the expansion of our economy, we have to integrate that with what we know to be the environmental cost. It will not do for us to have our green consciences out here somewhere, playing like Jiminy Cricket, saying, "No, no, we have to do this." It will not do to have the Minister of the Environment (Mr Bradley) occasionally weighing in with the kind of piety which we now associate almost exclusively with his presence here, reminding us all of the good things the government is doing and what we must do, without understanding that the reason we are

in an environmental mess is because of the way in which our economy functions.

The Premier has his Ontario Round Table on Environment and Economy. What I am suggesting is that the work of the round table has to be integrated into the life of this government. It has to be integrated into the life of the province. I also want to suggest that, at the same time as we are including our environmental health in the way in which we present budgets, we also have to look at the disparities that have grown among us.

We have witnessed the most extended period of economic boom in this province, I would suggest, in its modern day history. It is hard to recall a time—perhaps after the Second World War, when we saw so many changes which led to the tremendous social changes in this province in the late 1940s and early 1950s. Perhaps one could compare that time to what we have been going through. But I do not think there are any easy parallels to what we have seen.

But I think every member, looking at his or her own constituency, would realize and recognize that the changes that have taken place have by no means been shared equally in our society. We are increasingly a society of relatively well-off people, of a middle class which is not expanding at any great rate but which is in fact contracting, and a growing number of people who are having an extraordinarily difficult time surviving and having any kind of access to a decent life in our community.

This is not simply a welfare problem. This is not a problem of inadequate welfare payments to people who receive welfare benefits. It is a problem that is economic in its origin. It is because of the changing nature of our economy and the changing nature of the economic base of our society, and I believe it lies at the very core of the choices we have to make as a society as we head into the 1990s.

We cannot assume any longer that, as John Kennedy once said, a rising tide lifts all ships. I want to suggest that the statistics and our commonsense view would suggest that if we look around our constituencies, the rising tide of the 1980s has not lifted all ships. In fact, some have sunk. Some have been left very badly behind. I suggest that it is not good enough for the Treasurer (Mr R. F. Nixon), when he presents his economic report, the budget which we are debating today, to ignore the social consequences, the social facts about our province.

How many people are living in poverty? How many people are living on the very margin of our society? How many people are having to pay

more and more in taxes which fall on them and receive fewer and fewer benefits as they do their work in society?

I feel very strongly that our budgetary debates in this province have to integrate what happens in our society, what happens to our environment and what happens in our economy. I want to suggest that we now have no real way of doing that. We do not have the kind of information that allows us to do it. We have not really been able to join this debate. But in making the choices that we are being asked to make, I think we have to have that kind of information and that kind of presence in front of us.

I want to make two very brief and very basic points. There is not time, in the 20 minutes that are left, to be able to float quite as freely as I would like to do. I want to refer to the two basic issues. The first is the question of taxation. Then I want to come to the question of change, because I believe we are in for some very dramatic change.

With respect to taxation, I think the people know that everybody has to pay something, or most people have to pay something, and some people will have to pay a great deal for the necessary work of government, for the necessary work of the community. I do not want to be unduly partisan in my comments with respect to the comments that have been made by the third party. I just want to say this: We do not have to invent what the Tories would do to our taxes in Ontario. We do not have to make up what the Tory tax future would be like. We only have to look and see what the Tories have done since 1984 when they have taken responsibility for the federal income tax policies and the federal sales tax policies of Canada.

We have a government, a Tory government in Ottawa, with a Tory Minister of Finance who comes from Etobicoke in this province, who is a member of the Tory party who has increased the taxes on working families by 44 per cent since 1984 and has decreased the taxes by six per cent of the top-income earners in Canada. Now that is Tory taxation. The working class, the working people, ordinary people get stiffed, and the upper-income people get a deal. That is what we mean by Tory taxes.

I know full well that the Tory campaign in the next election, whenever that comes, will be a campaign that will say on the one hand, "The tax system is terrible; get the government off your backs"—it will be a repeat of Ronald Reagan in 1980. They will go through the list of all the civil servants who have been hired who should not

have been hired. They will go through all the egregious examples of government waste that should not have been allowed to take place and they will say: "Put us in there. We'll make sure it never happens again."

I think the public is beyond that. I really do, because I want to suggest that every citizen in this province knows that services and the quality of services are what define a decent government and for many people are the only way they have to live a decent life in our society, because the market will not do it for them and the market has not done it for them. They know full well that these are programs that have to be paid for and they know full well that under the Tories, under the goods and services tax, that is going to hit them harder than it is going to hit anybody else. They know full well that you have your business entertainment deductions and your mergers and acquisition deductions and all your other things in the Tory tax system—and, I might add, in the Liberal tax system when it comes to corporate taxes in Ontario—and that is going to be the scepticism.

But I also want to suggest that just as a no-tax message will not work, a fair-tax message will and must work in this province. I want to say that no government has done more to create inequality in the tax system in this province than the Liberal government under the leadership of the member for London Centre.

Whether it is the increase in the sales tax, whether it is their refusal to show any leadership when it comes to the corporate tax field, there is no reason in this world why Ontario, as the business capital of Canada, could not show leadership in the field of corporate taxation.

I want the members to tell me why real estate companies are allowed to depreciate the value of their investment every year, when everybody in this province knows that the value of land has not depreciated in Ontario in the past five or 10 years. It has gone through the roof in terms of speculation, and yet you have this absurd notion that every developer out there is depreciating every year the value of the land which he has bought and that is being paid for by everybody else out of the tax system. I do not know why the Ontario taxpayers should be subsidizing the incredible mergers and acquisitions which have gone on in Ontario, and I do not know why we cannot show some kind of leadership in dealing with that right here in Ontario.

Some states have done it in the United States. The state of Delaware has done it. The state of Massachusetts has done it. Other states have

done it. There is no reason why we cannot show some leadership here in Ontario when it comes to the question of taxation.

The fact of the matter is that a no-tax message is not a message which has credibility with the public. A fair-tax message is a message which makes sense to people, and I want to tell the taxpayers of Ontario they are being stiffed by this government, not because there is some magic nirvana out there in terms of a no-tax Heaven, not because we believe that services are unnecessary, but because we believe those who have the ability to pay in Ontario ought to be paying and they are not paying today, and that is the kind of tax system we need in Ontario.

I also want to suggest that in terms of the changes that are happening in Ontario, the past two years have been wasted years. I want to suggest that we have had all kinds of well-meaning reports coming out of the Premier's Council telling us what might or might not happen. Those reports have been good reading and I know the authors well. I have been having discussions with the authors for nearly a decade in the case of one of the Premier's advisers. I have known him for 25 years. I can say they are very bright people, and the reports make great reading and they are very interesting.

1820

I see no sign that any of what is being said in those reports is being integrated in any way into the life-blood of this government as it affects working families. I see no sign that the laid-off workers in Windsor, Oshawa, Sault Ste Marie and Etobicoke have benefited from one simple change made in one basic law that would improve their lot when faced with a plant closure. It is all very well to have these interestingly academic discussions, but I can say that since 1987—

Hon Mr Sorbara: Huh.

Mr B. Rae: The member for York Centre, who at one time was the Minister of Labour, is scoffing at me. I want to tell him to show me the changes in pension law that have made any difference, show me the changes in bankruptcy law. My friend shakes his finger at me. He was up in his seat, I cannot tell him how many times, promising me that he was going to move on bankruptcy. He was going to move on protection for workers affected by a bankruptcy. He did not nothing. Bupkes. Absolutely nothing for the workers of this province when it comes to it. Nothing at all.

Hon Mrs Caplan: Bupkes. I know what that means.

Mr B. Rae: The Minister of Health understands what I am talking about. The member for York Centre promised a good game, but he has done nothing at all. That report has been sitting on the desk of the Minister of Labour since 1984 and nothing has happened and nothing has changed.

I could go through the list, whether it comes to environmental change on Temagami, a conference on the old forest, a conference on old forest growth, but nothing that shows an understanding, that shows a comprehension of the need for action and for tough decisions. When it comes to pensions, we have seen a government that has been prepared to talk, but when it comes to action, what does it do in its own jurisdiction? It behaves just like the kinds of employers that we had to move laws in this province to change back in the mid-1980s.

I think it is time for some greater changes. I do not think we have seen those changes and I do not think we have seen those measures taken by the government in its action. I do not think we have seen the kind of leadership which people have been expecting, but I also know that these are judgements which the public itself is going to be making.

We have already moved our motion, anticipated by my colleague the member for Nickel Belt (Mr Laughren) who has served so effectively as our critic on financial matters and we will be voting on that motion in which we indicate our lack of confidence in the financial leadership of the government.

I want to close on a somewhat different note. I do not think it has been a secret that this has been a year of some personal turmoil for me. I want to say to all the members of the House how much I have appreciated their enormous kindness to me and to my family. I want to say to the leader of the third party that I have enjoyed working with him and want to say to all the members of the House, and especially to the members of my own caucus, how much their support has meant to me and how much their kindness has meant to me.

This is a time of the year in which our family celebrates both Hanukkah and Christmas, and in the spirit of opening a new decade, I want to wish the very best of the season to you, Mr Speaker, to the officers of the House and to all the members of the House.

Hon Mr Peterson: I would say I am very happy to be here and share this windup with my colleagues the leaders of the other two parties in this House and say how happy I am to share with

them their views and get their reflections on a number of the weighty issues of the day.

May I say also, Mr Speaker, through you to my colleagues, I wish a very happy Christmas and say how well you preside over this House.

This is a time for compliments, Mr Speaker. It is a time for generosity of spirit and of soul, indeed, with one exception: Someone told me today that the leader of Her Majesty's loyal opposition said that I was getting more and more like Bill Davis every day. Now the question is, is that a compliment or an insult? But I replied in kind and I said, "You know, the Leader of the Opposition is getting more and more like I was when I was in that job every single day." Now the question is, is that a compliment or is that an insult? So much of the same rhetoric and the same point of view and the same frustrations. I was just reminiscing with my dear colleague here about the joys of opposition and the joys of government. Believe me, there are some on both sides, some advantages and some disadvantages.

But I think where I disagree with my colleague opposite is that I think that all members of this House can look back to this last session with enormous pride. It has been, by any standard, I think, one wants to use, a very productive session. We have passed some 44 bills and 15 private member's bills in some 35 days. The debate has been lively and, contrary to the views of some of my colleagues opposite, I would not for a minute think that all of these bills have been easy, by any stretch of the imagination. They have been difficult.

You have seen a government that has made decisions, not just run with the pack, not just looked outside, afraid to lead, but shown real leadership financially and in many other policy areas in this province. I am enormously proud to be working with my colleagues. The easy thing is not always the right thing. I know the temptation in opposition because I was there a lot longer than most opposition members; I know the temptation to take the easy way all the time. Frankly, that is expected and I do not begrudge that. Why would you? As the Minister of Education (Mr Conway) said a little while ago, there is a great difference between the rhetoric and the responsibility, and I think the challenge to that responsibility is what democracy is all about. I think it has been a worthwhile and good debate and I compliment all the members for that.

I want to say also that I am very proud to stand in support of the Treasurer. I think when the history of this great province is written, this man will stand as a giant among all of the treasurers,

not just because of the 10 pounds he put on last week but because of his intellectual and moral capacity as well. Some members have not noticed, but I want to tell them this: The Treasurer is a member of a health club. He goes every morning. He has lost a substantial amount of weight, and I think we owe him our compliments on this svelte new body that he has trimmed down.

If you look back to the last budget—and I could look back at a much longer space than that—when you look at the major and fundamental and tough changes, the changes in OHIP premiums—I am enormously proud that we have got rid of OHIP premiums, an amazing accomplishment.

My friend the leader of the third party still cannot understand it, but there was a \$1-billion tax cut to individuals in this province. I had a very knowledgeable person come to me the other day and ask me how it happened, and it is this simple. Let me explain it to the member because I think it is worth while. When he goes back to Sarnia he will want to tell people about all the good things that this government has done and he will say this. The OHIP premiums for a family of four were \$714. If you are paying them yourself, you are paying \$714 straight off the bottom line. If it is being paid for you by your employer, it is a taxable benefit. So if you are in a 50 per cent taxation rate, you pay three—

Mr D. S. Cooke: That's certainly a lot of my constituents.

Hon Mr Peterson: Well, it is certainly the member. What is he squawking about? If he had his way, he would be in about a 75 per cent tax rate, the way he wants to raise the salaries around here.

But let me just say to my honourable friend, since he raised the point, that what he has to understand is that, say, in a 25 per cent income tax rate, 25 per cent of that would be taxable. Now that is no longer taxable and that is money straight to the bottom line; in cumulative total, \$1 billion extra to individuals that was not there before. I think my honourable friend would want to explain that because it is important.

1830

At the same time, I want to say to my friend—because I do not have a lot of time—I want to talk about some of the infrastructure programs, the very aggressive programs that this Treasurer has embarked upon. On deficit management, I say with some pride, when you look at the deficit, of course he had raised taxes. There is no question about it. He has taken the responsibility

for it. We still have one of the most competitive tax climates in this country anywhere.

I say to my friend he should look at the attractive places because we are keeping it humane. I do not want to address all the criticism tonight, but in my honourable friend's amendment to the budget motion today he says on the one hand that we are spending too much and on the other hand he gives a whole bunch of ways to spend things. That is the classic dilemma of opposition. I used to do the same thing and I understand the difficulty.

But let me go beyond that. I want to congratulate the members for the wide range of legislation that has gone through this House. It has been difficult and controversial, from health and safety to pension legislation, the teachers' legislation we just discussed today, auto insurance, workers' compensation, court reform, education finance, the Power Corporation Act, the completion of Bill 8 on minority languages, employment equity, pay equity, and indeed a whole range of other issues have been dealt with by this government in this Legislature from race relations to police pursuits, anti-drug strategy and welfare reform.

The real question is, what fundamental problem has not been dealt with by this government? I will tell the members that is a far shorter list than the that of the ones that we have worked at because we do believe, like many of the issues, like the debate that was held today in this House, you cannot just deal superficially with these issues. We have to wrestle with them fundamentally. We recognize there are strong differences of opinion, but it is our responsibility and up to the best judgement that we have. We do not claim by any stretch of the imagination to be perfect, and we do not claim by any stretch of the imagination to have solved all of the problems, but I do tell the members that I think that we have engaged in an honest effort to resolve some of those matters.

I think it is worth while to reflect on the economy of this province, because it is the budget debate, and recognize that between 1985 and 1988 Ontario has experienced an increase in output of some 5.5 per cent per year. Employment created was 627,000 new jobs. This was greater than any other area in the world.

My honourable friend the Leader of the Opposition (Mr B. Rae) made a number of good points. There are many other measurements to measuring the quality of life in any community, and I accept the arguments that he has put forward. Even in 1989: We look forward to

robust growth this year, in the order of 2.8 per cent and the creation of some 90,000 new jobs. If we look at statistics around the province, the unemployment rate has dropped substantially in northern Ontario, from about 10.5 per cent to 6.7 per cent in November. Youth unemployment has dropped more than four percentage points across the province. Our overall unemployment rate is the lowest in this country.

I stand in front of the House again and say that I would never assume, and neither would the Treasurer, to take credit for all of this. We are blessed here in one of the richest jurisdictions in the world. I know that members opposite are the first to blame us if there are any problems, and they are the last to give us any credit when anything goes well, but I understand the nature of partisan politics as well.

I think we have to be humble in recognizing the great strengths that we have, but these great challenges have taken place in a context of financial responsibility and fiscal integrity. The Treasurer has dropped the deficit by some \$2 billion. You could make the argument that he is running a current operating surplus of some \$2.5 billion at the present time. He has been paying the bills. I remember when I was elected, in 1975, there was a \$10 billion budget. Do the members know what the deficit was that year? It was \$2 billion or 20 per cent of all the operating revenue. I just say when the economists, when the historians get at the fiscal management of this province this man will stand as a giant. He has allowed us to have fiscal flexibility going into, shall I say, a more uncertain period in the future.

I recognize the fact that no one can predict with certainty what is going to happen next year or the year after that or the year after that. Mark Twain once said that the art of prophecy is very difficult, especially with respect to the future. I know that there are a number of different assumptions about that, and perhaps only God knows for sure, but in the absence of God the Treasurer tells me that the growth rate will be in the order of two per cent next year, the eighth successive year of growth in this province. We can look forward to expansion and the creation of some 71,000 new jobs and 84,000 new housing starts.

My friend opposite talked about some of the pressures that we are under, and I agree, with the economy. This country is changing. We are operating under a new set of rules now, not only a new globalized world in which we have to trade. That is a reality, but we also have to operate under the umbrella of a number of federal policies which, it is no secret, many members of

this House have had some very serious objection to, be it free trade, a very high interest rate policy that is putting our cost of capital beyond the reach of many of our companies and out of line with our competitors or a high-dollar policy which is hurting our exporters beyond dispute. We all know that. We know that we are potentially facing a new round of consumption taxes, which the Treasurer and the government have been very worried about in terms of inflationary impact. We also know some of the changes of Investment Canada and other groups have allowed many strategic pieces of our economy to be sold out.

It is not my intention to launch a major diatribe—members know of my worries in this regard—except to say we do understand, I think, the new conditions under which we are functioning here and trying to do the best that we possibly can. We recognize some of the structural weaknesses, even in the midst of the great strength of this province. My friend opposite alluded to the Premier's Council and to some of the work that has been done. He knows many of the members; many of members of this House do know many of the members of the council.

I can say from my own point of view it has been an unbelievably rewarding experience to sit with my colleagues, members of the crown, labour leaders, business leaders, academics, people who ordinarily would be sitting opposite each other in adversarial situations, fighting with each other about something or other, but sitting down and honestly, genuinely wrestling with a number of the issues that we face now and in the long term. It has been, from my point of view, not only an interesting experience in sharing decision-making with members outside the government but also in co-ordinating policy responses, unlike my friend opposite. I think he has missed the significance in the things that have come directly out of that, because I think he has not followed the impact that has had on the policy.

We have developed tax support for research and development in our province. Some \$56 million is going into the R and D superallowance, an initiative of that group. We are providing more than \$40 million to support leading-edge research undertaken in consortia with the private sector and our universities.

Mr R. F. Johnston: Centres of excellence.

Mr Wildman: World-class.

Hon Mr Peterson: Absolutely. These are a direct result of the Premier's Council. We are providing \$25 million for a three-year extension of the university research incentive fund; we

have established a \$100-million growth ventures fund to support growth and development of small- and medium-sized businesses; a technical personnel program to assist small business. These are new ideas that have been adopted by the government and are working. They were never suggested as the solutions to our problems tomorrow, but we believe, with the agreement of labour, business and academics, they are attacking a number of the structural problems and deficiencies we have, because we do know that our contribution rate to research and development in this country is very low by competitive standards.

We do know that our trading patterns are too limited. We have to widen those, and the Minister of Industry, Trade and Technology (Mr Kwinter) has been very aggressive in widening out our trading patterns. We have formed new strategic alliances with a number of the leading industrial states in Europe and in the Pacific Rim. I think we can point to solid accomplishment in that way and a very strong and concrete plan to deal with a number of the problems.

My colleague the Treasurer has also addressed the problem of infrastructure. We recognize the growth here, we recognize that Toronto is one of the fastest growing areas in North America today, and I think we should talk about the problems of growth because there are a number of areas that have to be addressed. But I also say to my friend, how are we going to stop the growth? Are we going to put up a visa for people coming into Toronto and Ontario?

This happens to be one of the most attractive places in the world to live. Canadians want to come here, and people from across the world. It is all very noble to say, "We'll shut this all off and not let anybody in," but I will tell him at the same time these things have to be dealt with. We still live in a free and open country that allows people to come in here and we have to deal with those problems.

1840

The Treasurer is dealing with those problems. In terms of infrastructure, \$2 billion is going into infrastructure to keep our road system and our transit systems moving. We are moving with Quebec on new infrastructure proposals for a high-speed rail, for example. We are moving on new infrastructure in electricity with Manitoba and others and we think that these things are good not only for Ontario but for Canada as well.

We continue to strengthen our initiatives in the regions of this province, in northern Ontario and eastern Ontario, through mineral exploration, the

northern Ontario heritage fund and a variety of other programs that I think have been sensibly tailored to try to, as best we possibly can, spread the prosperity, spread the opportunity and make sure every single Ontarian, in whatever part of this great province, has opportunity. That will continue to be the hallmark of this government.

We in the Premier's Council and the government also recognize that the single most effective strategic weapon for improving our competitive ability is our human capital, is our educational system and the kinds of training and retraining programs that we have here for now and in the future. I need not go into great detail, because I realize my time is limited, but members are aware of the fundamental initiatives this government has undertaken. We are providing funds for school boards to offer half-day junior and senior kindergarten. We are cutting the teacher-student ratio in the junior grades.

All of the educators tell us those are the most strategic times in a young child's life, and I say to the members very frankly that I cannot guarantee a result from that program tomorrow. Twenty years from now we will look back, I think, with great pride and say, "We have made a difference," because we are striking at the core of the problem, not just the superficial aspects of the problem.

We have revitalized the curriculum in our public schools. We are providing provincial benchmarks to better assess our own performance. We are eliminating streaming in grade 9. We are redeveloping the core curriculum. Indeed, I invite members to look at the changes and I say that this minister and his predecessors have attacked these problems in a fundamental way because we want structural results. We are not just looking for the quick and easy fix to some of these problems that are profound.

From all the programs, from adult literacy and the increase of the contribution there to many others, I think that we are going to see a real results because of this foresighted planning by the ministers.

Members will also see, coming up in the spring, a refocusing of our training philosophy. We have debated this at great length in the Premier's Council and we have discussed it with a number of our colleagues. We will be moving the philosophy, the training, out of the hands of government into the hands of the actual participants in the workplace, the experts, into business and labour in a joint fashion and we think we are developing models that can be one of the

solutions to some of the problems we are facing in our province today.

We will continue to work at these things in a structural way and we will need the help, goodwill and support of all members of this House in so doing.

I have a number of other things I would like to say, and I know that the time is rather short and been agreed to, but if my colleagues will just be a little bit lenient with me, I would be grateful.

I also want to say that we seen in this government's hand major moves with respect to welfare and changes in philosophy as well as financial commitment. We have seen, with the adoption of the Social Assistance Review Committee report and the major changes in the Treasurer's budget of last spring, that we are increasing our payments for shelter support, we are removing barriers which serve as a disincentive to work, we are expanding the network of employment counselling and referral and we are increasing children's benefit. We are not unmindful of some of the disparities that exist in this great province. I do not pretend that we are magic, that we can solve them all, but I do say this represents a very serious and active attack.

The Speaker: The time is up. Will the members agree? Fine.

Hon Mr Peterson: Thank you, Mr Speaker. I appreciate it. I will try to be brief.

I want to say that the social assistance benefits will have increased from the year 1984-85 to the year 1989-90 by some 92 per cent, in a way that we think is going to make a difference for a number of Ontarians.

I would like to speak about health care and the reorientation that has gone on in that regard and the things that are happening through the council. I probably do not have the time today, but I can tell the members some real results are being achieved. We are not just mouthing the old rhetoric about a community-based system and about preventive medicine; we are actually doing something about that. With the able leadership of the Minister of Health (Mrs Caplan), I believe we are going to see a health care system which I accept is one of the best in the entire world today, if not the best, will continue to be the best, and our planning will make sure it is the best 20 years from now.

We are not unmindful of the pressures—the pressures of an ageing population, the financial pressures on the system, the new technologies, new diseases and new demands—but I can tell the members, with her planning and her foresightedness, we will be in a position to meet all of that

and maintain the very high quality in the system today. I want to say that I think we will continue in that way in many—

Interjections.

Hon Mr Peterson: I would like to speak about the environment and some of the leadership that the minister has provided. My friends opposite are not particularly interested in hearing it, obviously, so I will not go on at great length, except to say I am enormously proud of the leadership that this government has provided: the leadership with respect to acid rain, the leadership with respect to recycling and the banning of CFCs and a lot of other areas that are looked upon as models by other jurisdictions.

I just want to tell my friend the member for Nickel Belt (Mr Laughren)—he probably was not there. He may have been invited, but he probably was not there when the United Nations gave an award to my colleague the Minister of the Environment (Mr Bradley) and said this—this is from the United Nations. This was not from the NDP in Nickel Belt, but this was from the United Nations. It said, “One country, one province has found a model where the everyday householder can participate in recycling.”

Interjections.

The Speaker: Order. Perhaps the Premier could wish everyone a merry Christmas.

Hon Mr Peterson: Could I just say then, in conclusion, Mr Speaker, I thank you for this opportunity and I want to thank the members for their co-operation as we have struggled with a lot of these difficult issues? There is just one other issue I want to talk about, if I may, very briefly, with respect to the state of this country at the present time.

We do know that there is an enormous number of pressures, linguistic, cultural and regional pressures, in this country at the present time. I just want to say that I want to congratulate the Attorney General (Mr Scott), the Leader of the Opposition and the leader of the third party as well for their contributions to an extremely important debate.

I think the sensitivities that are shown here and the sensitivities that are shown across this country are extremely important in dealing at a particularly fragile time in our own history. We see them in our own province with respect to Bill 8 and we all have a great responsibility. I am proud to say that is a responsibility that is shared by many of my colleagues in this House.

In conclusion, may I just say, on this very happy occasion, a very merry Christmas to all of

my colleagues? I am very happy to share some of the accomplishments of this House with them, and with others, because it has been an enormously productive season. To all of my colleagues, I wish you the warmth of this very happy holiday season and I look forward to seeing you next March, when we can continue this great discussion.

The Speaker: On Wednesday 17 May 1989 Mr Nixon moved, seconded by Mr Peterson, “That this House approves in general the budgetary policy of the government.”

On Thursday 18 May 1989 Mr Laughren moved that the motion “That this House approves in general the budgetary policy of the government” be amended by deleting the words following “That” and adding thereto the following:

“This House, recognizing that the 1989 budget fails the fundamental test of tax fairness, condemns the government for:

“Refusing to implement a minimum corporate income tax on profits, and instead taxing payrolls and jobs,

“Failing to distribute taxes fairly with an inheritance tax or other wealth tax for the richest of our citizens,

“Sheltering the banks and financial institutions from any new capital taxes,

“Introducing virtually no relief for low-income families, and continuing the absurdity of taxing families that earn \$10,000 below the poverty line,

“Broadening and increasing consumption taxes that hit low- and middle-income people the hardest,

“Ignoring the north when it comes to investment and jobs, and instead using it as a source of tax revenue,

“Continuing to starve municipalities and school boards of much-needed funding, while simply piggybacking on the pain of the unfair tax increases of the Wilson budget,

“Failing to address adequately the needs of those on social assistance and those who dine at food banks,

“Therefore, this House declares its lack of confidence in this government.”

1850

Today Mr Brandt moved that the amendment to the motion be amended by deleting all words following “condemns the government for” and inserting the following:

“Failing to consult with farmers on major program cuts and its continuing insensitivity to the needs of Ontario’s agrifood sector;

"Its failure to control its expenditures which will in turn make it more difficult for the province to support positive measures to assist Ontario citizens during an economic slowdown;

"Pursuing tax and regulatory policies which stifle economic growth, and which threaten to undermine the competitiveness of Ontario's industries;

"Failing to develop an economic strategy to reduce regional disparities in the province and to encourage sustainable growth;

"Its hostile attitude towards the province's small business sector as exemplified by the imposition of the new employer payroll tax;

"The continued deterioration of the province's health care system and its failure to honour its commitment to provide 4,400 new hospital beds;

"Its efforts to transform driving into the new sin activity in Ontario, with increases in the gasoline and fuel tax, vehicle registration tax, an increase in the cost of licence permits and its introduction of a new tax on tires;

"Failing to address adequately the needs of those on social assistance and those who require food banks to survive;

"Failing to address adequately the environmental issues besieging the province;

"Failing to recognize the uniqueness of the Rouge Valley system and deeming it a provincial park in order to preserve it for generations to come;

"Failing to practice sound management techniques in controlling the growth and excessive expenditures necessary to sustain the civil service;

"Therefore, this House declares its lack of confidence in the government."

1855

The Speaker: Order. The first question to be decided is the amendment to the amendment to the motion.

The House divided on Mr Brandt's amendment to the amendment to the motion, which was negated on the following vote:

Ayes

Allen, Brandt, Bryden, Cooke, D. S., Cousens, Cunningham, Eves, Grier, Hampton, Harris, Jackson, Johnson, J. M., Johnston, R. F., Kormos, Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Pollock, Rae, B., Reville, Villeneuve, Wildman.

Nays

Adams, Ballinger, Beer, Black, Bossy, Bradley, Brown, Callahan, Campbell, Caplan,

Carrothers, Cleary, Collins, Conway, Cooke, D. R., Curling, Daigeler, Eakins, Elliot, Elston, Faubert, Fawcett, Fleet, Fontaine, Fulton, Furlong, Grandmaître, Haggerty, Hart, Hošek, Kanter, Kerrio, Keyes, Kozyra, Leone, Lipsett, Lupusella;

MacDonald, Mahoney, Mancini, Matrundola, McClelland, McGuigan, McLeod, Miller, Morin, Nicholas, Nixon, J. B., Nixon, R. F., Oddie Munro, Offer, O'Neil, H., O'Neill, Y., Owen, Patten, Pelissero, Peterson, Phillips, G., Polsinelli, Poole, Ramsay, Ray, M. C., Reycraft, Riddell, Roberts, Ruprecht, Scott, Smith, D. W., Smith, E. J., Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Ward, Wilson, Wong.

Ayes 78; nays 26.

The House divided on Mr Laughren's amendment to the motion, which was negated on the same vote.

The House divided on Mr R. F. Nixon's motion, which was agreed to on the same vote reversed.

The Speaker: Now, while members are in their seats, I would remind them that they deferred the vote on third reading of Bill 66. I will put that question now.

TEACHERS' PENSION ACT, 1989

The House divided on Mr Conway's motion for third reading of Bill 66, which was agreed to on the following vote:

Ayes

Adams, Ballinger, Beer, Black, Bossy, Bradley, Brown, Callahan, Campbell, Caplan, Carrothers, Cleary, Collins, Conway, Cooke, D. R., Curling, Daigeler, Eakins, Elliot, Elston, Faubert, Fawcett, Fleet, Fontaine, Fulton, Furlong, Grandmaître, Haggerty, Hart, Hošek, Kanter, Kerrio, Keyes, Kozyra, Leone, Lipsett, Lupusella, MacDonald, Mahoney, Mancini, Matrundola, McClelland, McGuigan, McLeod, Miller, Morin, Nicholas, Nixon, J. B., Nixon, R. F., Oddie Munro, Offer, O'Neil, H., O'Neill, Y., Owen, Patten, Pelissero, Peterson, Phillips, G., Polsinelli, Poole, Ramsay, Ray, M. C., Reycraft, Riddell, Roberts, Ruprecht, Scott, Smith, D. W., Smith, E. J., Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Ward, Wilson, Wong.

Nays

Allen, Brandt, Bryden, Cooke, D. S., Cousens, Cunningham, Eves, Grier, Hampton, Harris, Jackson, Johnson, J. M., Johnston,

R. F., Kormos, Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Pollock, Rae, B., Reville, Villeneuve, Wildman.

Ayes 78; nays 26.

SUPPLY ACT LOI DE CRÉDITS

Mr R. F. Nixon moved first reading of Bill 109, An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending 31 March 1990.

M. Nixon propose la première lecture du projet de loi 109, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 1990.

Motion agreed to.

La motion est adoptée.

Mr R. F. Nixon moved second reading of Bill 109, An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending the 31 March 1990.

M. Nixon propose la deuxième lecture du projet de loi 109, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 1990.

Mr Laughren: There is a long tradition in this Assembly that when the supply bill is introduced there is a long and rambling debate on it because of the amount of money involved. Before I start I do want to say how pleased I am that all those members who came to here this speech were able to be here early enough to hear the last of the speech by the Premier (Mr Peterson) as well.

We will not delay passage of this bill. I will simply say that we look forward to the spring when we will have another, and full, debate on the next budget.

Motion agreed to.

La motion est adoptée.

Third reading also agreed to on motion.

La motion de troisième lecture est également adoptée.

Hon Mr Ward: I am advised that His Honour the Administrator awaits to give royal assent to certain bills.

1910

His Honour the Administrator of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT SANCTION ROYALE

Hon Mr Howland: Pray be seated.

The Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Clerk Assistant and Clerk of Committees: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 60, An Act to amend the Income Tax Act;

Bill 66, An Act to revise the Teachers' Superannuation Act, 1983 and to make related amendments to the Teaching Profession Act.

Clerk of the House: In Her Majesty's name, His Honour the Administrator doth assent to these bills.

The Speaker: May it please Your Honour, we, Her Majesty's most dutiful and faithful subjects of the Legislative Assembly of the province of Ontario in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance, a bill entitled An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending 31 March 1990.

Clerk of the House: His Honour the Administrator doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

Son Honneur l'administrateur remercie les bons et loyaux sujets de Sa Majesté, accepte leur bienveillance et sanctionne ce projet de loi au nom de Sa Majesté.

His Honour the Administrator was pleased to retire from the chamber.

LEGISLATIVE PAGES

Hon Mr Ward: Just before I put forward one more motion, I did want to acknowledge the group of pages we have here today who have served so well over the course of the past several weeks. They have been a particularly delightful and cheerful lot, having had to work some nights over the course of the last week or so, and we wish them well and all the best of the holiday season.

The Speaker: May I also wish all members a safe, happy and joyful holiday season.

On motion by Mr Ward, the House adjourned until Monday 19 March 1990.

The House adjourned at 1914.

ALPHABETICAL LIST OF MEMBERS*

(130 seats)

Second Session, 34th Parliament

Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC

-
- Adams, Peter (Peterborough L)
 Allen, Richard (Hamilton West NDP)
 Ballinger, William G. (Durham-York L)
Beer, Hon Charles, Minister of Community and Social Services (York North L)
Black, Hon Kenneth H., Minister of Tourism and Recreation (Muskoka-Georgian Bay L)
 Bossy, Maurice L. (Chatham-Kent L)
Bradley, Hon James J., Minister of the Environment (St Catharines L)
 Brandt, Andrew S. (Sarnia PC)
 Breagh, Michael J., First Deputy Chair of the Committee of the Whole House (Oshawa NDP)
 Brown, Michael A. (Algoma-Manitoulin L)
 Bryden, Marion (Beaches-Woodbine NDP)
 Callahan, Robert V. (Brampton South L)
 Campbell, Sterling (Sudbury L)
Caplan, Hon Elinor, Minister of Health (Oriole L)
 Carrothers, Douglas A. (Oakville South L)
 Charlton, Brian A. (Hamilton Mountain NDP)
 Chiarelli, Robert (Ottawa West L)
 Cleary, John C. (Cornwall L)
Collins, Hon Shirley, Minister without Portfolio (Wentworth East L)
Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development (Renfrew North L)
 Cooke, David R. (Kitchener L)
 Cooke, David S. (Windsor-Riverside NDP)
 Cordiano, Joseph (Lawrence L)
 Cousens, W. Donald (Markham PC)
 Cunningham, Dianne E. (London North PC)
 Cureatz, Sam L., Second Deputy Chair of the Committee of the Whole House (Durham East PC)
 Curling, Alvin (Scarborough North L)
 Daigeler, Hans (Nepean L)
 Dietsch, Michael M. (St Catharines-Brock L)
 Eakins, John F. (Victoria-Haliburton L)
Edighoffer, Hon Hugh A., Speaker (Perth L)
 Elliot, R. Walter (Halton North L)
Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)
 Epp, Herbert A. (Waterloo North L)
 Eves, Ernie L. (Parry Sound PC)
 Farnan, Michael (Cambridge NDP)
 Faubert, Frank (Scarborough-Ellesmere L)
 Fawcett, Joan M. (Northumberland L)
 Ferraro, Rick E. (Guelph L)
 Fleet, David (High Park-Swansea L)
Fontaine, Hon René, Minister of Northern Development (Cochrane North L)
 Fulton, Ed (Scarborough East L)
 Furlong, Allan W. (Durham Centre L)
 Grandmaître, Bernard C. (Ottawa East L)
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)
 Haggerty, Ray (Niagara South L)
 Hampton, Howard (Rainy River NDP)
 Harris, Michael D. (Nipissing PC)
Hart, Hon Christine E., Minister of Culture and Communications (York East L)
 Henderson, D. James (Etobicoke-Humber L)
 Hošek, Chaviva (Oakwood L)
 Jackson, Cameron (Burlington South PC)
 Johnson, Jack (Wellington PC)
 Johnston, Richard F. (Scarborough West NDP)
 Kanter, Ron (St Andrew-St Patrick L)
 Kerrio, Vincent G. (Niagara Falls L)
 Keyes, Kenneth A. (Kingston and The Islands L)
 Kormos, Peter (Welland-Thorold NDP)
 Kozyra, Taras B. (Port Arthur L)
Kwinter, Hon Monte, Minister of Industry, Trade and Technology (Wilson Heights L)
 Laughren, Floyd (Nickel Belt NDP)
 LeBourdais, Linda (Etobicoke West L)
 Leone, Laureano (Downsview L)
 Lipsett, Ron (Grey L)
 Lupusella, Tony (Dovercourt L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Mahoney, Steven W. (Mississauga West L)
Mancini, Hon Remo, Minister of Revenue (Essex South L)
 Marland, Margaret (Mississauga South PC)
 Martel, Shelley (Sudbury East NDP)
 Matrundola, Gino (Willowdale L)
 McCague, George R. (Simcoe West PC)
 McClelland, Carman (Brampton North L)
 McGuigan, James F. (Essex-Kent L)
 McGuinty, Dalton J. (Ottawa South L)
 McLean, Allan K. (Simcoe East PC)

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)

Morin, Hon Gilles E., Minister without Portfolio (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

Oddie Munro, Lily (Hamilton Centre L)

Offer, Hon Steven, Solicitor General (Mississauga North L)

O'Neil, Hon Hugh P., Minister of Mines (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

Patten, Hon Richard, Minister of Correctional Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chair of the Committee of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

Ramsay, Hon David, Minister of Agriculture and Food (Timiskaming L)

Ray, Michael C. (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

Riddell, Jack (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

Scott, Hon Ian G., Attorney General (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan (London South L)

Sola, John (Mississauga East L)

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

Ward, Hon Christopher C., Minister of Government Services (Wentworth North L)

Wildman, Bud (Algoma NDP)

Wilson, Hon Mavis, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Wong, Hon Robert C., Minister of Citizenship (Fort York L)

Wrye, Hon William, Minister of Transportation (Windsor-Sandwich L)

EXECUTIVE COUNCIL

Peterson, Hon David R., Premier and President of the Council and Minister of Intergovernmental Affairs

Nixon, Hon Robert F., Deputy Premier and Treasurer of Ontario and Minister of Economics

Conway, Hon Sean G., Minister of Education, Minister of Colleges and Universities and Minister of Skills Development

Bradley, Hon James J., Minister of the Environment

Scott, Hon Ian G., Attorney General

O'Neil, Hon Hugh P., Minister of Mines

Sweeney, Hon John, Minister of Housing and Minister of Municipal Affairs

Elston, Hon Murray J., Chairman of the Management Board of Cabinet and Minister of Financial Institutions

Wrye, Hon William, Minister of Transportation

Kwinter, Hon Monte, Minister of Industry, Trade and Technology

Sorbara, Hon Gregory S., Minister of Consumer and Commercial Relations

Caplan, Hon Elinor, Minister of Health

Fontaine, Hon René, Minister of Northern Development

Ramsay, Hon David, Minister of Agriculture and Food

Ward, Hon Christopher C., Minister of Government Services

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources

Patten, Hon Richard, Minister of Correctional Services
 Phillips, Hon Gerry, Minister of Labour
 Wong, Hon Robert C., Minister of Citizenship
 Mancini, Hon Remo, Minister of Revenue
 Wilson, Hon Mavis, Minister without Portfolio
 Offer, Hon Steven, Solicitor General
 Hart, Hon Christine E., Minister of Culture and Communications
 Beer, Hon Charles, Minister of Community and Social Services
 Black, Hon Kenneth H., Minister of Tourism and Recreation
 Morin, Hon Gilles E., Minister without Portfolio
 Collins, Hon Shirley, Minister without Portfolio

PARLIAMENTARY ASSISTANTS

Adams, Peter, assistant to the Minister of the Environment (Peterborough L)
 Ballinger, William G., assistant to the Minister of Municipal Affairs (Durham-York L)
 Bossy, Maurice L., assistant to the Minister without Portfolio responsible for disabled persons (Chatham-Kent L)
 Carrothers, Douglas A., assistant to the Minister of Industry, Trade and Technology (Oakville South L)
 Cleary, John C., assistant to the Minister of Agriculture and Food (Cornwall L)
 Cooke, David R., assistant to the Minister of Citizenship (Kitchener L)
 Curling, Alvin, assistant to the Minister of Intergovernmental Affairs (Scarborough North L)
 Daigeler, Hans, assistant to the Minister of Revenue (Nepean L)
 Dietsch, Michael M., assistant to the Minister of Labour (St Catharines-Brock L)
 Elliot, R. Walter, assistant to the Minister of Housing (Halton North L)
 Fawcett, Joan M., assistant to the Minister of Skills Development (Northumberland L)
 Ferraro, Rick E., assistant to the Minister of Financial Institutions (Guelph L)
 Fleet, David, assistant to the Minister without Portfolio responsible for women's issues (High Park-Swansea L)
 Fulton, Ed, assistant to the Minister of Tourism and Recreation (Scarborough East L)
 Grandmaitre, Bernard C., assistant to the Minister of Health (Ottawa East L)
 Haggerty, Ray, assistant to the Minister of Consumer and Commercial Relations (Niagara South L)
 Henderson, D. James, assistant to the minister responsible for the provincial anti-drug strategy (Etobicoke-Humber L)

Hošek, Chaviva, assistant to the Chairman of Management Board of Cabinet (Oakwood L)
 Keyes, Kenneth A., assistant to the Minister of Education (Kingston and The Islands L)
 Kozyra, Taras B., assistant to the Minister of Northern Development (Port Arthur L)
 Leone, Laureano, assistant to the Minister of Culture and Communications (Downsview L)
 Lipsett, Ron, assistant to the Minister of Energy (Grey L)
 Lupusella, Tony, assistant to the Minister of Government Services (Dovercourt L)
 McGuigan, James F., assistant to the Minister of Agriculture and Food (Essex-Kent L)
 Miller, Gordon I., assistant to the Minister of Transportation (Norfolk L)
 Nicholas, Cindy, assistant to the Solicitor General (Scarborough Centre L)
 Polsinelli, Claudio, assistant to the Attorney General (Yorkview L)
 Poole, Dianne, assistant to the Minister without Portfolio responsible for senior citizens' affairs (Eglinton L)
 Reycraft, Douglas R., assistant to the Treasurer and Minister of Economics (Middlesex L)
 Riddell, Jack, assistant to the Minister of Natural Resources (Huron L)
 Ruprecht, Tony, assistant to the Minister of Community and Social Services (Parkdale L)
 Smith, David W., assistant to the Minister of Correctional Services (Lambton L)
 South, Larry, assistant to the Minister of Mines (Frontenac-Addington L)
 Stoner, Norah, assistant to the Minister of Colleges and Universities (Durham West L)

STANDING COMMITTEES

Administration of justice: chair, Mr Chiarelli; vice-chair, Mr McClelland; members, Messrs Hampton, Kanter, Kormos, McGuinty, Miss Nicholas, Messrs Polsinelli, Runciman, D. W. Smith and Sterling; clerk, Douglas Arnott.

Estimates: chair, Mr McCague; vice-chair, Mr Cousens; members, Messrs Charlton, Cleary, D. R. Cooke, Henderson, Matrundola, Miclash, Philip, Miss Roberts and Mr Villeneuve; clerk, Harold Brown.

Finance and economic affairs: chair, Mr Mahoney; vice-chair, Mr Faubert; members, Mrs Cunningham, Messrs Daigeler, Ferraro, Haggerty, Ms Hošek, Messrs Mackenzie, McLean, Morin-Strom and Reycraft; clerk, Lisa Freedman.

General government: chair, Mr Pelissero; vice-chair, Mrs LeBourdais; members, Ms Bryden, Messrs Carrothers, Charlton, Furlong, J. B.

Nixon, Runciman, Sola, Velshi and Wiseman; clerk, Franco Carrozza.

Government agencies: chair, Mr Sterling; vice-chair, Mr McLean; members, Messrs Breaugh, Farnan, Fulton, Kozyra, Lupusella, J. B. Nixon, Owen, Pope and South; clerk, Harold Brown.

Legislative Assembly: chair, Mr Epp; vice-chair, Mr M. C. Ray; members, Messrs Breaugh, Brown, Campbell, Cureatz, Eakins, Farnan, J. M. Johnson, Kerrio, and Mrs Sullivan; clerk, Deborah Deller.

Ombudsman: chair, Mr Velshi; vice-chair, Mr Kanter; members, Mr Bossy, Ms Bryden, Messrs Carrothers, D. R. Cooke, Cousens, Henderson, MacDonald, Philip and Pollock; clerk, Franco Carrozza.

Public accounts: chair, Mr Philip; vice-chair, Mr Pouliot; members, Messrs Adams, Ballinger, Cordiano, Cousens, Curling, Harris, Leone, Miss Martel and Ms Poole; clerk, Tannis Manikel.

Regulations and private bills: chair, Mr Callahan; members, Messrs Bossy, Jackson, Kanter, MacDonald, Mackenzie, Morin-Strom, Ms Oddie Munro, Messrs Pollock, Ruprecht and Tatham; clerk, Lisa Freedman.

Resources development: chair, Mr Laughren; vice-chair, Mr Mackenzie; members, Messrs Dietsch, Fleet, Harris, Lipsett, Mrs Marland, Messrs McGuigan, Miller, Riddell and Wildman; clerk, Lynn Mellor.

Social development: chair, Mrs O'Neill; vice-chair, Mrs Fawcett; members, Mr Allen, Mrs

Cunningham, Messrs Elliot, Grandmaître, Jackson, Neumann, R. F. Johnston, Keyes and Mrs Stoner; clerk, Todd Decker.

SELECT COMMITTEES

Constitutional and intergovernmental affairs: chair, Mr Furlong; vice-chair, Mr McGuinty; members, Messrs Allen, Breaugh, Eves, Grandmaître, Harris, Ms Hošek, Ms Oddie Munro, Mr Polsinelli, Miss Roberts; clerk, Deborah Deller.

Education: chair, Mr Campbell; vice-chair, Mr Miclash; members, Messrs D. S. Cooke, Furlong, Jackson, R. F. Johnston, Keyes, Mahoney, Mrs Marland, Mrs O'Neill, and Ms Poole; clerk, Tannis Manikel.

Energy: chair, Mrs Sullivan; vice-chair, Mr Brown; members, Messrs Callahan, Charlton, D. R. Cooke, Cureatz, Mrs Grier, Messrs Kerrio, McGuigan, Pollock and M. C. Ray; clerk, Todd Decker.

SPECIAL COMMITTEE

Parliamentary precinct: co-chairs, Hon Mr Edighoffer and Mr Epp; members, Messrs Breaugh, Reycraft and Villeneuve; clerk, Smirle Forsyth.

*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

CONTENTS

Wednesday 20 December 1989

Government motions

Committee business, resolution 25 . . .	5079
Mr D. S. Cooke	5080
Mr Ward	5082
Mr Harris	5083
Mr Reville	5084
Mr J. M. Johnson	5086
Mr R. F. Johnston	5086
Mr Velshi	5087
Mr Mackenzie	5088
Mr Laughren	5089
Miss Martel	5092
Mr Allen	5094
Mr Eves	5095
Agreed to	5096

Committee sittings, resolution 26 . . .	5096
Mr Ward	
Agreed to	5096

Committee reports, resolution 27 . . .	5096
Mr Ward	
Agreed to	5096

Committee substitutions, resolution 28	5096
Mr Ward	
Agreed to	5097

Members' statements

Water quality	5098
Mrs Grier	
Zebra mussels	5098
Mr Villeneuve	
Hate literature	5099
Ms Oddie Munro	
Events in Panama	5099
Mr R. F. Johnston	
Government funding	5099
Mrs Cunningham	
Season's greetings	5100
Mr Faubert	
Electricity demand and supply	5100
Mr Charlton	
Tax increases	5100
Mr Pope	
Katie Harrigan	5101
Ms Poole	

Statements by the ministry

Police services	5101
Mr Offer	

Centre for Women's Health	5102
Mrs Caplan	

Education of hearing-impaired	5103
Mr Conway	

Responses

Centre for Women's Health	5103
Mr Reville	

Education of hearing-impaired	5104
Mr R. F. Johnston	

Police services	5104
Mr Kormos	

Education of hearing-impaired	5105
Mrs Marland	

Mrs Cunningham	
--------------------------	--

Police services	5105
Mr Brandt	

Oral questions

Electricity demand and supply	5107
Mr B. Rae	

Mr Peterson	
-----------------------	--

Working poor	5108
Mr B. Rae	

Mr Beer	
-------------------	--

York region land development	5109
Mr Harris	

Mr Sweeney	
----------------------	--

University admissions	5110
Mr Pope	

Mr Conway	
---------------------	--

Electricity demand and supply	5112
Mr Charlton	

Mr Peterson	
-----------------------	--

Program for older worker adjustment	5113
Mrs Cunningham	

Mr Conway	
---------------------	--

School board spending	5114
Mr Owen	

Mr Conway	
---------------------	--

Taxation	5114
Mr Laughren	

Mr R. F. Nixon	
--------------------------	--

LAC Minerals Ltd	5115
Mrs Marland	

Mrs McLeod	
----------------------	--

Natural gas pipeline	5115	Police Services Act, 1989, Bill 107 ...	5120
Mr Reycraft		Mr Offer	
Mrs McLeod		Agreed to.	5120
Children's mental health services	5116	Business Names Act, 1989, Bill 108 ..	5120
Mr D. S. Cooke		Mr Sorbara	
Mr Beer		Agreed to.	5120
Mr Pouliot			
		Second reading	
Assistance to writers	5117	Income Tax Amendment Act, 1989,	
Mr Brandt		Bill 60	5120
Ms Hart		Agreed to.	5121
Temagami district resources	5117		
Mr Fleet		Third readings	
Mrs McLeod		Income Tax Amendment Act, 1989,	
		Bill 60	5121
		Mr Pope	5121
		Mr Mancini	5123
		Agreed to.	5124
		Teachers' Pension Act, 1989, Bill 66 .	5124
		Mr Morin-Strom	5124
		Ms Bryden	5126
		Mr Pouliot	5126
		Mrs Cunningham	5126
		Mr R. F. Johnston	5129
		Mr Elliot	5131
		Mr Jackson	5131
		Mr B. Rae	5133
		Mr Conway	5137
		Vote deferred	5140
		Budget debate	
		Resuming the adjourned debate	5140
		Mr Brandt	5140
		Mr B. Rae	5144
		Mr Peterson	5148
		Third reading	
		Teachers' Pension Act, 1989, Bill 66 .	5153
		Agreed to.	5154
		First reading	
		Supply Act, 1989, Bill 109	5154
		Mr R. F. Nixon	
		Agreed to.	5154
		Second reading	
		Supply Act, 1989, Bill 109	5154
		Mr R. F. Nixon	
		Agreed to.	5154
		Third reading	
		Supply Act, 1989, Bill 109	5154
		Mr R. F. Nixon	
		Agreed to.	5154
		Royal assent	
		His Honour the Administrator	5154
Natural gas pipeline	5115		
Mr Reycraft			
Mrs McLeod			
Children's mental health services	5116		
Mr D. S. Cooke			
Mr Beer			
Mr Pouliot			
Assistance to writers	5117		
Mr Brandt			
Ms Hart			
Temagami district resources	5117		
Mr Fleet			
Mrs McLeod			
		Motion	
Committee sittings	5118		
Mr Ward			
Agreed to.	5118		
		Petitions	
French-language services	5118		
Mr Campbell			
Teachers' superannuation	5118		
Mr Eakins			
French-language school	5118		
Mr D. S. Cooke			
French-language services	5119		
Mr McLean			
Temagami district resources	5119		
Mrs Grier			
Animals for research	5119		
Mr Brown			
		Report by committee	
Standing committee on resources de-			
velopment	5119		
Mr Laughren			
Tabled	5119		
		First readings	
Mining Tax Amendment Act, 1989,			
Bill 104	5119		
Mr Mancini			
Agreed to.	5119		
Ontario Home Ownership Savings			
Plan Amendment Act, 1989, Bill 105	5119		
Mr Mancini			
Agreed to.	5119		
Easement Statute Law Amendment			
Act, 1989, Bill 106	5120		
Mr Sorbara			
Agreed to.	5120		

Other business		Adjournment	5154
Recess	5097	Alphabetical list of members	5155
Education financing	5098	Executive council	5156
The Speaker		Parliamentary assistants	5157
Member for Nipissing	5106	Members of standing and select com- mittees	5157
Mr Ward			
Mr D. S. Cooke			
Mr Harris			

TABLE DES MATIÈRES

Le mercredi 20 décembre 1989

Pétition		Troisième lecture	
École de langue française	5118	Loi de crédits de 1989 , projet de loi 109	5154
M. Pouliot		M. R. F. Nixon	
Première lecture		Adoption du projet de loi en troisième lecture	5154
Loi de crédits de 1989 , projet de loi 109	5154	Sanction royale	
M. R. F. Nixon		Son Honneur l'administrateur	5154
Adoption du projet de loi en première lecture	5154		
Deuxième lecture			
Loi de crédits de 1989 , projet de loi 109	5154		
M. R. F. Nixon			
Adoption du projet de loi en deuxième lecture	5154		

028210026

NOV 21 1990

